



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Sign Variance (VAR)

CASE NUMBER: VAR16-0008

STAFF REPORT DATE: September 30, 2016

LPA HEARING DATE: October 11, 2016

LPA HEARING TIME: 9:00 AM

STAFF RECOMMENDATION: **APPROVE**

I. APPLICATION SUMMARY

Applicant/Agent: FMB Associates LP/Noel Davies, Roetzel & Andress

Request: Variance from 32 square feet sign area limitation in LDC section 30-153(b)(1) to permit a wall sign that contains 55 square feet of sign area.

Subject property: See Exhibit A

Physical Address: 684 Estero Boulevard

STRAP #: 24-46-23-W3-00400.0090

FLU: Mixed Residential & Recreation

Zoning: CR (Commercial Resort) & EC (Environmentally Critical)

Current use(s): Hotel (Best Western PLUS Beach Resort)

Adjacent zoning and land uses:

North: Estero Blvd. then RC (Residential Conservation) (Single Family and Two Family Residences), Mixed Residential FLUM

South: EC (Environmentally Critical) (Gulf of Mexico), Recreation & Tidal Water FLUM

East: EC (Environmentally Critical) & RM (Residential Multifamily) (Single Family and Two Family Residences), Tidal Water, Recreation, & Mixed Residential FLUM

West: EC (Environmentally Critical) & RM (Residential Multifamily) (Single Family and Two Family Residences), Tidal Water, Recreation, & Mixed Residential FLUM

II. BACKGROUND AND ANALYSIS

Background:

FMB Associates LP has applied for a variance and relief from Section 30-153(b)(1) of Chapter 30 – Signs, of the Town of Fort Myers Beach Land Development Code (LDC). The subject site is developed with a Best Western Beach Resort and accessory uses. The application materials provide that:

The Applicant, FMB Associates LP dba Best Western Beach Resort (“Applicant”), has been an upstanding member of the Fort Myers Beach business community for decades. Its principals, the Malbon family, have always had a positive relationship with the Town and its leaders and look forward to continuing this relationship for years to come. The Malbons have provided a high quality beachfront resort on the North end of the beach 684 Estero Boulevard, since the resort was built in 1985. The Best Western is a model resort business that always seeks to provide a clean, well-maintained building that is a destination for tourists and locals alike.

The subject property is comprised of approximately 2.75 acres. According to Table 4-2 of the Town’s comprehensive plan, the site contains 75 hotel/motel rental units. Existing development on the property consists of the motel building, paved parking lot, walkways, and a pool. The current owner, FMB Associates, purchased the property on October 24th October 1985. The subject of the current request is the wall sign mounted on the side of the hotel building facing Estero Boulevard.

LDC Section 30-153(b)(1) limits commercial signs to a maximum of thirty-two (32) square feet of sign area. This section provides that a parcel of land containing one (1) or two (2) business establishments, each separate business establishment is allowed a maximum of thirty-two (32) square feet of sign area. The subject site contains one business establishment, Best Western Beach Resort, and is therefore allowed a maximum of thirty-two (32) square feet of sign area for the subject wall sign.

FMB Associates applied for the variance on September 2, 2016. The application materials provide the following discussion concerning the reasons why the applicant is pursuing this variance at this time:

...being part of an international franchise like Best Western requires the Malbons to comply with their franchise agreement. The Best Western franchise has rebranded its

logo and lettering and has mandated all Best Westerns install new signage by December 31, 2016, or else face serious penalties and fines. The only sign at the Best Western on the beach is the wall sign on the façade of the building, which existing sign is currently 78 square feet in area. Drivers along Estero Boulevard can easily see this sign and it effectively identifies the building. There are no other signs identifying the property because there is nowhere to put them. The Town's recent improvement to Estero Boulevard, including the new sidewalk between the road and the edge of the Best Western property boundary includes landscaping and foliage that blocks drivers from being able to see a sign (there is also additional landscaping and foliage on-site that's been there for many years)...Under the Code, signs are allowed to be installed as close as 3 feet to the road (Section 30-93(b), LDC); however, because of the foliage and landscaping, this is not possible at the Best Western. Instead, because the Best Western building is set back approximately 90 feet from the road (see survey dated May 19, 2015 included as Exhibit B), their building's sign is approximately 30 times farther away from the road than a sign 3 feet from the road.

Thus, the only option they have to identify their property is to put a wall sign on the large facade of the building. Putting a sign on the building that is only 32 square feet would not allow drivers on Estero Boulevard to identify the building. This is why the Best Western is asking for a sign that is 55 square feet, which is the smallest sign possible that allows drivers to identify their building. Specifically, the Applicant is seeking a variance from Section 30-153(b)(1), LDC, "maximum sign area," which limits sign area to 32 square feet...

It is because of these unique circumstances with the building setback and the lack of any other sign that the Best Western is looking to the Town for a variance from the square feet limitation. Such circumstances have caused the hardship that the Malbons are facing and justifies relief from the sign area limitation.

The Applicant has worked with the vendor assigned to them by the Best Western franchise to create as small a sign as possible that can still allow drivers to identify the property from the street – 55 square feet. While this is not ideal for the Malbons given that it is still a 23 square feet reduction from their existing sign, they want to comply as close as possible with the Town's Code and are seeking the minimum variance possible.

The subject site is located in the Mixed Residential and Recreation future land use categories. The hotel is located in the Commercial Resort (CR) zoning district (see Exhibit B).

Concerning surrounding uses the application provides the following discussion:

The surrounding properties are a mix of resort and residential; specifically, immediately to the north is zoned Commercial Resort (CR) and Residential Multifamily (RM) with future land use categories of Mixed Residential and Recreation; immediately to the south is zoned Residential Multifamily (RM) with future land use categories of

Mixed Residential and Recreation; and immediately to the east across Estero Boulevard is zoned Residential Conservation (RC) with a future land use category of Mixed Residential. Granting the variance would not have any negative effect on the surrounding properties; rather, it would allow for the smooth and safe flow of traffic of cars going in and out of the Best Western because drivers would be able to sufficiently identify the property.

Staff notes that the current sign was permitted on August 7, 2008 (SGN08-0070) (See Exhibit D).

Analysis:

The applicant is requesting relief from the section of the code that regulates the size of the sign face, Section 30-153(b)(1), to replace the existing 78 square foot wall sign located on the front of the hotel building with a new 55 square foot sign (see Exhibit C). The wall sign is directed to Estero Boulevard.

The application provides the following summary discussion as justification:

In summary, the Best Western wants to continue its positive relationship with the Town. They look forward to maintaining their status as a high quality beach resort that consistently attract tourists and locals to their facility. However, because of the demands of the Best Western franchise to install a new wall sign with the Best Western's new branding and the unique circumstances of their property with the building that is set back approximately 90 feet from the property line, the driveway entrance that is close to the southerly property boundary with all drivers travelling from the south, and the landscaping and foliage that would block visibility of a sign closer to Estero Boulevard, they are faced with a severe hardship of drivers along Estero Boulevard not being able to identify their resort if they are forced to install only a 32 square feet size. This is the only sign that will identify their building, which existing sign is 78 square feet. A sign that is any less than 55 square feet would not sufficiently identify the property. Therefore, through this variance request, they are seeking a 23 feet reduction from their existing 78 square feet sign, which is the minimum variance to the 32 square feet requirement to allow their guests and all other drivers on Estero Boulevard to sufficiently identify their property.

Staff agrees that the visibility of the facility from the road will require a larger sign than the code currently accommodates. Staff also notes that the visibility triangle limitations in 34-3131 limit the placement of signs along the subject site's frontage as the facility has 2 driveway connections that are subject to section 34-3131(b).

Findings and Conclusions:

Using the five decision making factors described in LDC Section 34-87(3), Staff recommends the following findings and conclusions:

- a. *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance*

under circumstances or conditions where rigid compliance is not essential to protect public policy;

The applicant has provided the following discussion concerning this finding:

...there are exceptional and extraordinary conditions and circumstances inherent to this property including that, without this variance, drivers along Estero Boulevard would not be able to sufficiently identify the building. Due to the Town's landscaping and foliage along the concrete sidewalk adjacent to the property boundary (as well as the on-site landscaping and foliage that was in place prior to the ordinance being amended in 2011), a sign nearer to the street would not be feasible or helpful in identifying the property so the subject wall sign is the only way people will be able to identify the property. While the street setback for signs is three feet (Section 30-93(b), LDC), this particular building is set back approximately 90 feet from the right-of-way (30 times farther away) as there is a large parking lot between the right-of-way and the building. This makes visibility of the wall sign from the right-of-way uniquely challenging and necessitates a wall sign greater than 32 square feet...this is the only sign that will identify their building, which existing sign is 78 square feet so this is a reduction of 23 square feet...A sign that is any less than 55 square feet would not sufficiently identify the property. The 2015 survey...depicts that the driveway entrance is close to the southerly property boundary. All traffic searching for the Best Western comes from the south. Due to the proximity of the driveway to the southerly property boundary and the landscaping and foliage on the Estero Boulevard right-of-way and the southeast corner of the property, there is no available location to place any monument sign to advise drivers of the driveway entrance. Therefore, the wall sign needs to be visible to drivers because it is the only way they will be able to identify the property and know to turn into the Best Western driveway.

Staff agrees that a larger sign is required given the circumstances that the applicant discusses. These circumstances are unique to the subject property. Staff therefore recommends a finding that there **are** exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that **it does** justify the variance requested.

- b. *That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.*

Concerning this finding the application provides the following discussion:

The conditions justifying the variance are not the result of any actions of the Applicant since the 2011 sign ordinance was adopted. The Best Western franchise is demanding compliance with its new logo which requires a replacement sign – this is a mandatory requirement of maintaining the

franchise with Best Western and the Applicant will be subject to serious penalties and fines if the new sign is not installed by December 31, 2016.

Staff notes that many of the circumstances that the applicant discusses have existed on the subject site since resort was built in 1985, namely that the hotel was developed with a large parking lot between the building and Estero Boulevard.

The sign predates the regulation in question. The improvements to North Estero Boulevard were constructed in 2011. The current sign ordinance was adopted on April 18, 2011. Staff finds that the conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

- c. *That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

Concerning this finding the application provides the following discussion:

The variance sought is the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the subject regulation because anything less than a 55 square feet wall sign would not sufficiently identify the property.

The existing sign provides a unique function as a way finding sign for the driving public to locate the resort facility. A sign meeting the requirements of 30-153(b)(1) would not be as visible to the driving public versus the proposed sign. Staff also notes that the proposed sign would be lessening the nonconformity by lowering the total sign area from 78 square feet to 55 square feet. Staff believes that the proposed sign reflects the minimum variance necessary for the sign, taking into consideration the subject property's location, the sign's location, function, and the orientation of the sign. Staff believes that the requested variance **is** the minimum variance necessary to relive the unreasonable burden caused by the application of Chapter 30 of the LDC.

- d. *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Concerning this finding the application provides the following discussion:

The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. On the contrary, the 55 square feet sign would benefit the neighborhood and public welfare by sufficiently identifying the property and eliminating the potential for increased traffic and safety issues that would result from drivers on Estero Boulevard not being able

to sufficiently identify the property. The proposed wall sign will have no adverse impact on the neighboring property to the north, south and east.

The existing sign has been in existence for 8 years, and does not appear to be obtrusive to adjoining properties. The existing sign appears to have caused no detriment to the public welfare over the 8 years that it has been in existence. The proposed sign lessens the nonconformity of the existing sign and is smaller than the existing sign. Allowing the additional sign area (from 32 square feet) appears to cause no detriment to the public welfare. Allowing the sign to be proportionately bigger allows it to be visible over longer distances to the Estero Boulevard right-of-way. Therefore, Staff finds that granting the variance **would not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

Concerning this finding the application provides the following discussion:

The conditions and circumstances on this property are not of so general or recurrent a nature as to make it more reasonable and practical to amend the subject regulation because other buildings that are set back closer to the road or that have the option to install a sign 3 feet from the road that is visible to drivers don't face this hardship. The Best Western building's significant set back from the road and the landscaping and foliage that blocks a sign nearer to the road are particularly unique from other businesses on the beach. While a 32 square feet wall sign may sufficiently identify other buildings with signage closer to the road, here, there are particularly unique visual identification issues that require a 55 square feet sign to identify the building.

With the adoption of the amended sign ordinance, and the consequent amortization period for conformity, numerous locations on the Beach have pursued variance requests from the new requirements (See Exhibit F). The circumstances of the subject site is somewhat unique with visibility, access, landscaping, and code requirements such as the visibility triangles that limit the ability to provide alternative signage to the existing wall sign that will provide way finding for the motoring public. Staff recommends the finding that the circumstances of the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable or practical to amend the regulation.

III. RECOMMENDATION

Staff recommends **APPROVAL** of the requested variance subject to conditions, including the required findings and conclusions for granting a variance under LDC Section 34-87. Staff recommends that approval of the variance be subject to the following conditions:

CONDITIONS OF APPROVAL:

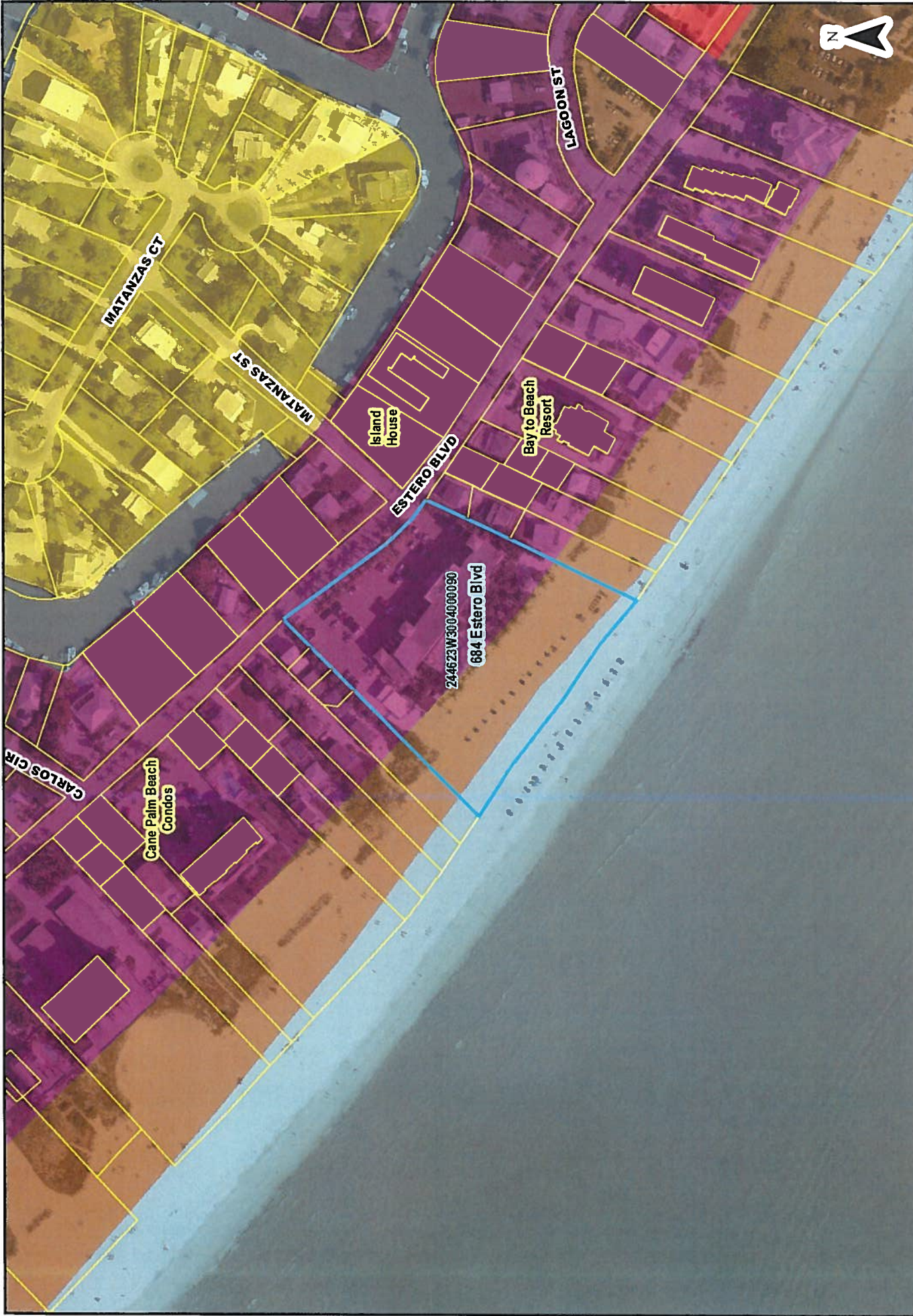
- 1. Approval of this variance does not exempt the subject property from any other provisions of LDC Chapter 30.*
- 2. The Maximum square footage of the wall sign on the Best Western motel building facing Estero Boulevard is limited to 55 square feet as provided in Exhibit C.*
- 3. The sign will be located generally consistent with the location depicted on the site plan (see Exhibit E).*


IV. CONCLUSION

Approval of the requested variance will relieve the burden caused by application of LDC Section 30-153(b)(1) to the subject property, given the unique function and location of the existing and proposed replacement sign. The sign provides way finding for the driving public. Staff submits that the burden on this property owner resulting from the sign area limitations of the code is greater than the burden on other property owners given the location and function of the existing/replacement sign. Staff recommends APPROVAL of the requested variance as conditioned.

Exhibits:

- A - Legal Description
- B - Surrounding Zoning & Land Use Maps
- C - Existing & Proposed Signs
- D - SGN08-0070
- E - Site Plan
- F - Town Council Sign Variance Resolutions
- G - Application materials





Town of Fort Myers Beach, Florida
 DEPARTMENT OF PUBLIC WORKS
 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931
 (239) 785-0202

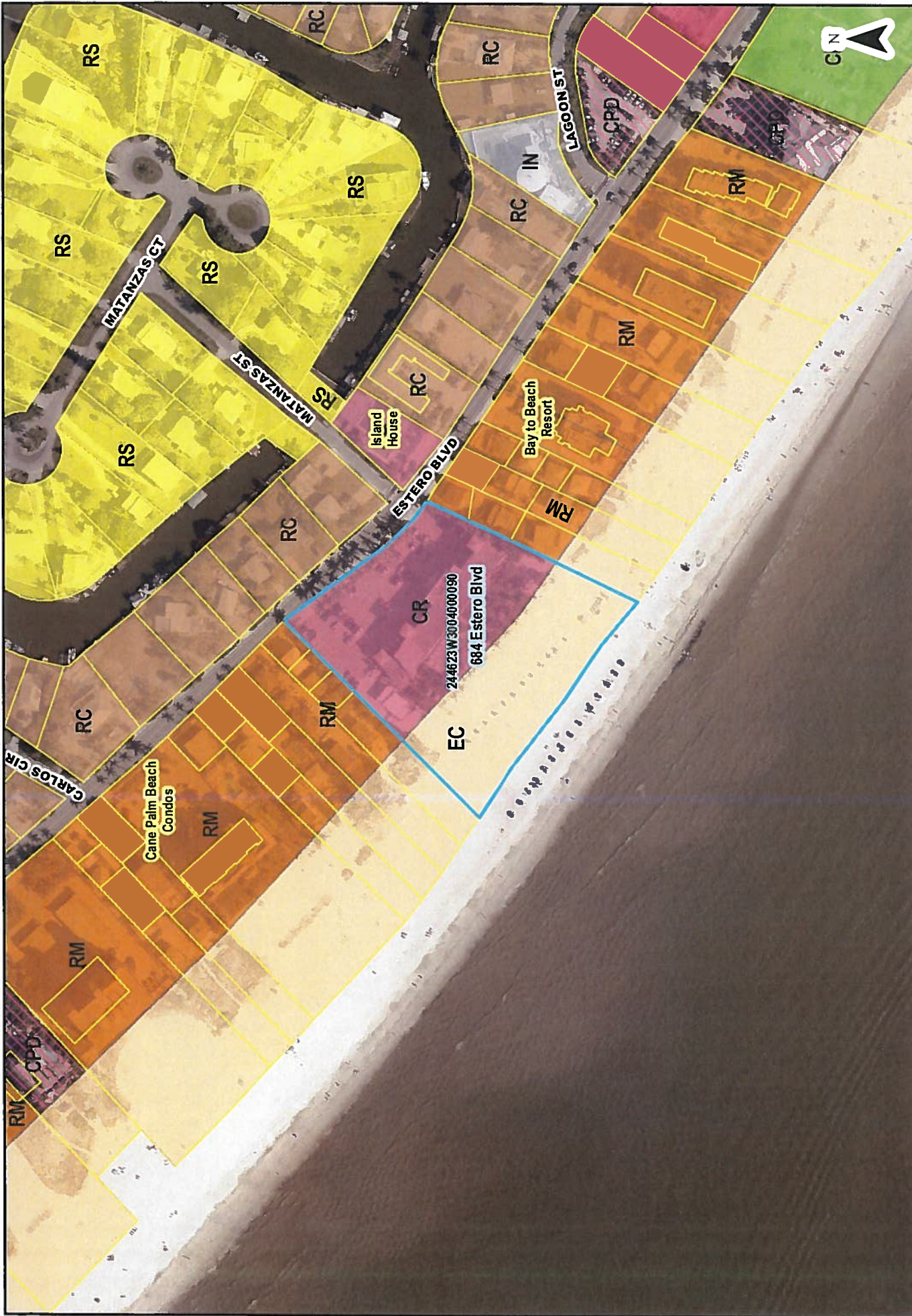
684 Estero Blvd Best Western Variance Request
With Future Land Use
Exhibit B - Case : VAR16-0008

Date: 9/28/2016	Drawn By: PW GIS	Sheet: 1	Scale: 1" = 200'
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LANDUSE

- Low Density
- Pedestrian Commercial
- Recreation
- Mixed Residential
- Tidal Water

684 Estero Blvd
 Parcel Boundary




ZONING

- 684 Estero Blvd
- Parcel Boundary
- IN-Institutional
- RC-Residential Conservation
- RM-Residential Medium Density
- RPD-Residential Planned Development
- RS-Residential Single Family
- CF-Community Facilities
- CPD-Community Planned Development
- CR-Community Residential
- DOWN TOWN
- EC-Environmental Critical

684 Estero Blvd Best Western Variance Request With Zoning Designations			
Exhibit B - Case : VAR 16-0008			
Date: 9/28/2016	Down By: PW GIS	Sheet: 1	Scale: 1" = 200'

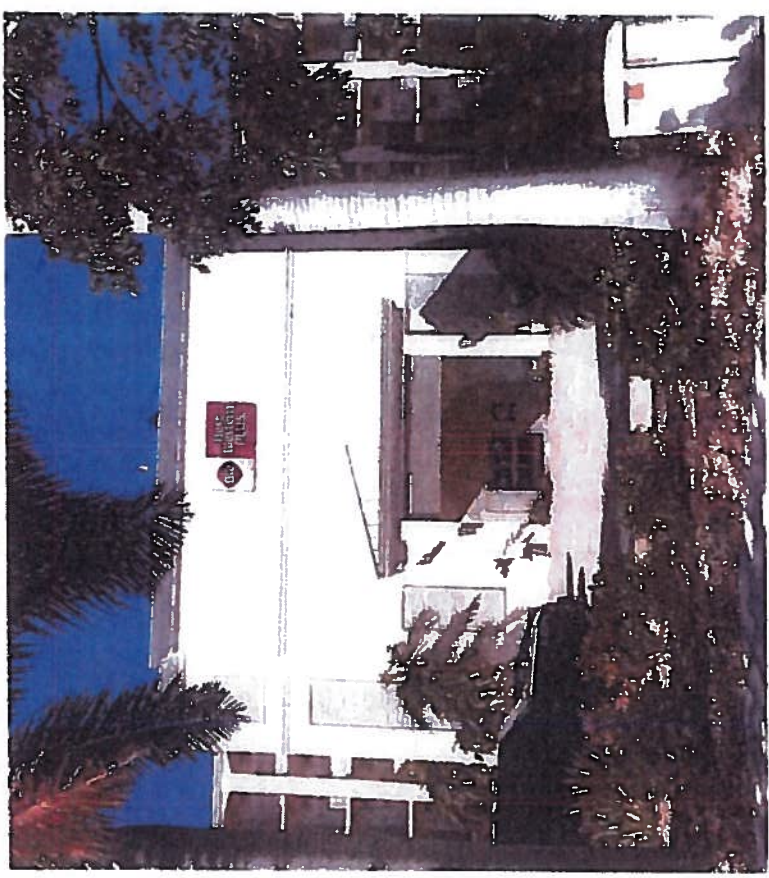
Town of Fort Myers Beach, Florida
 DEPARTMENT OF PUBLIC WORKS
 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931
 (239) 765-0202





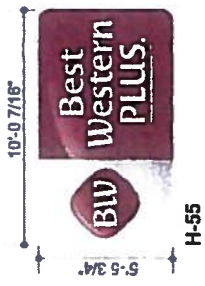
EXISTING

Description: Channel Letters
Qty of faces: 1
Dimensions: -2'-8" H x -14'-3" W x -5'-8" OAH
Attachment Method: Raceway Mounted
Illumination: Internally Illuminated



PROPOSED

Description: Wall Sign
Qty of faces: 1
Dimensions: -5'-5 3/4" H x -10'-0 7/16" W
Attachment Method: Flush Mounted
Illumination: Internally Illuminated



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED OR EXEMPTED IN ANY MANNER, UNLESS AUTHORIZED IN WRITING BY AN OFFICE OF CUMMINS.

CUSTOMER APPROVAL:
DATE: _____

DATE	BY	DATE	BY
Rev. A1		Rev. A4	
Rev. A2		Rev. A5	
Rev. A3		Rev. A6	

BW PLUS Beach Resort
684 Estero Blvd
Fort Myers Beach, FL 33931

DRAWING NO:
D-ORDER#083868.03
ARTIST: AAJ DATE: 08/30/16
SHEET: 1 OF 3



Town of Fort Myers Beach

SIGN PERMIT APPLICATION

Most newly erected signs require a valid sign permit (see sec. 30-6 of the Land Development Code for signs that do not require a permit). In addition to new signs, any existing sign will require a permit if the work involves any structural, electrical or copy change (except reader boards with changeable letters). In order to best serve the applicant, a complete application must be submitted. Please refer to the checklist on the opposite side of this application for submittal requirements.

Prop. Owner: FMB ASSOCIATES LIMITED PARTNERSHIP Contractor: Island Construction & Consulting Service, Inc.

STRAP #: 244623-W3-00400.0090 Site Address: 684 ESTERO BOULEVARD

Contractors Tel: 239-489-4440 License No: CGC022662

Business Owner: FMB ASSOCIATES LIMITED PARTNERSHIP Tel: 239-463-6000 Fax: 239-463-3013

Business Name: BEST WESTERN BEACH RESORT Tel: 239-463-6000 Fax: 239-463-3013

Sign Construction: Single face ☒ Double face ☐

Sign Type: Wall ☒ Monument ☐ Projecting ☐ Other ☐

Lighting: Illuminated ☒ Non-illuminated ☐

Total square footage of sign area: 31.1 sq (Including Supports, framing and base area)

Any sign which has an artificial light source, either internal or external, that makes the Sign's message readable is considered an illuminated sign. Also signs seaward of the 1991 coastal construction line require a DEP permit with the state.

I, AL CALCIANO do attest that the above information which I have submitted to the Town of Fort Myers Beach is accurate and complete. Any inaccurate or incomplete information submitted is misrepresentation or error which may cause the approval to be void and may further void or invalidate any permits issued based on the approval. Any structures built pursuant to an invalidated permit must be removed or, if possible, a new application may be filed and permits issued.

Signature: al cal Phone # 239-489-4440

Once the work is complete call Town Hall for the final inspection

Site Check	Date: _____
Inspector's Comments: _____	

Inspector's Signature: _____	

Town of Fort Myers Beach

2523 Estero Boulevard ** Fort Myers Beach, Florida 33931

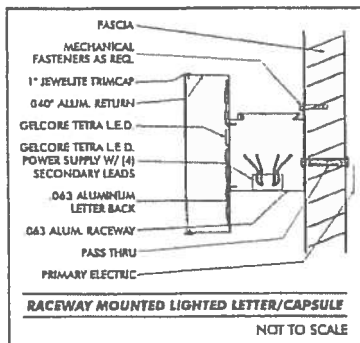
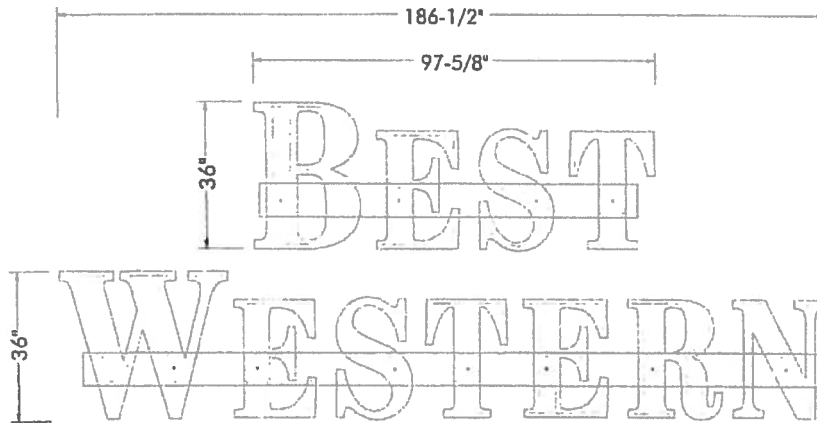
Tel: 239/765-0202 Fax: 239/765-0909

www.fortmyersbeachfl.gov

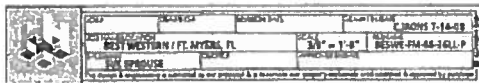
AUG 07 2008

Approved Community Devel

Exhibit D




039294-2-1



LIGHTED LETTERS	
QTY. <u>1</u>	SIZE <u>36"</u>
FACE <input type="checkbox"/> 1/8" <input checked="" type="checkbox"/> 3/16" <input type="checkbox"/> 1/4" COLOR <u>2447 WHITE W/</u>	
<input checked="" type="checkbox"/> TRIMCAP COLOR <u>RED</u> <input checked="" type="checkbox"/> RETURN <u>5"</u> * COLOR <u>PMS 485C RED</u>	
<input type="checkbox"/> INTERIOR SET <input checked="" type="checkbox"/> RW <u>8"</u> H <u>8"</u> W <u>8"</u> D COLOR <u>T.B.D.</u>	
LED COLOR / TYPE <u>OH TETRA MAX RED</u> NO. OF STROKES <u>2</u> <input type="checkbox"/> EXPOSED GLASS	
<input checked="" type="checkbox"/> UL <input checked="" type="checkbox"/> VOLTS <u>120</u> ELECT. CONNL TYPE <u>LED SPLICE / WIRE NUT</u>	
<input type="checkbox"/> 30MA <input type="checkbox"/> 60MA TRANS. TYPE <u>GE P312</u> <input type="checkbox"/> STD OFFS <u> </u>	
<input type="checkbox"/> REVERSE LIT MOUNTING	

AMP LOAD & TRANSFORMER INFO. PER SET				
LETTERS/ CAPSULE	POWER SUPPLY	INPUT VOLTAGE	INPUT CURRENT	LED FOOTCANDLE
BEST	GEPS12-60	120V	0.75 A	12.5
WES	GEPS12-60	120V	0.75 A	12.5
TERN	GEPS12-60	120V	0.75 A	12.5
TOTALS			2.25 A	128 2'


 Town of Fort Myers Beach
 AUG 07 2008
 Approved Community Devel

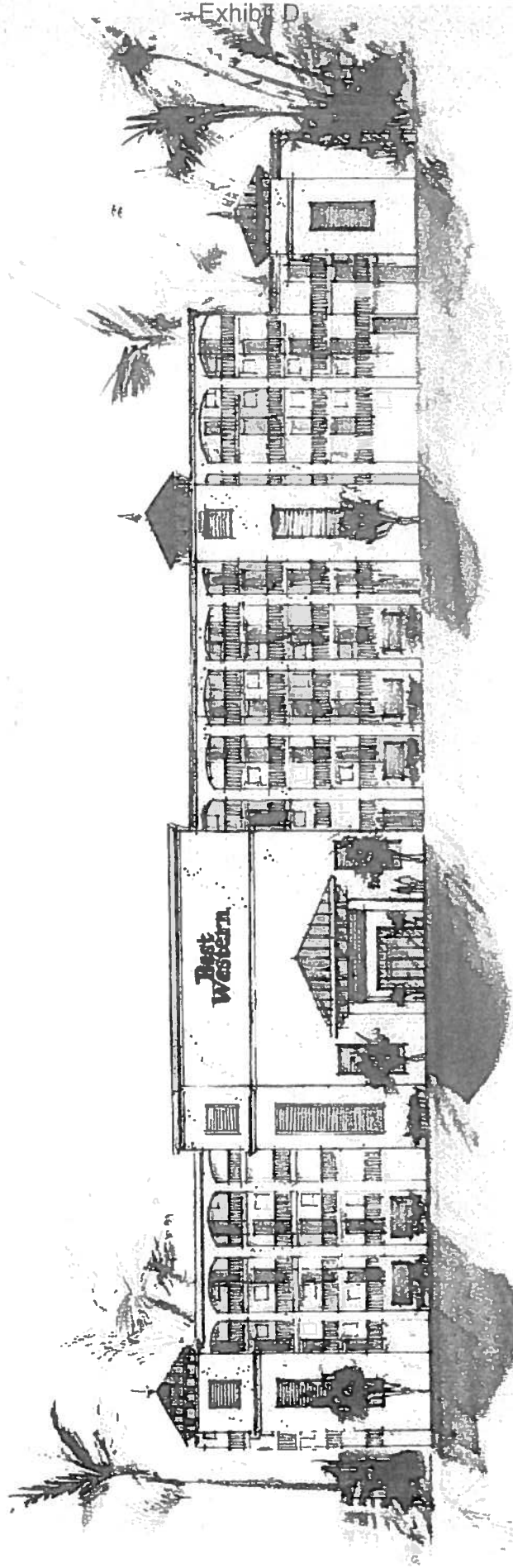
[Signature]

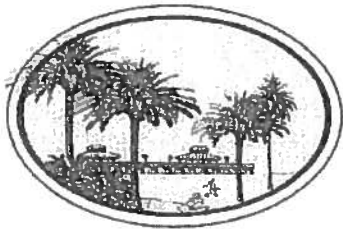
Town of Fort Myers Beach

AUG 07 2008

Approved Community Devel

Exhibit D





462 Exhibit D 3013
SIGN PERMIT

Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, Florida 33931
(239) 765-0202 Phone (239) 765-0909 Fax

INSPECTIONS CALL - 765-0202 EXT 111

Permit Number:
SGN08-0070

DATE OF APPLICATION:
7/28/2008
DATE ISSUED:
8/7/2008

JOB LOCATION: 684 ESTERO BLVD		APN 244623W3004000090
SUBDIVISION:		DATE FINALED 10/22/2008
OWNER FMB ASSOCIATES LTD 684 ESTERO BLVD FORT MYERS BEACH, FL 33931 PHONE:	CONTRACTOR PHONE	PERMIT TYPE COMMERCIAL SIGN SUBTYPE Wall
APPLICANT FMB ASSOCIATES LTD 684 ESTERO BLVD FORT MYERS BEACH, FL 33931 PHONE:	SAME AS ENGINEER.	FEES: Fees Paid \$100.00 Receipt No. B15606
DESCRIPTION OF WORK: Best Western Beach Resort		
ESTIMATED COST \$0.00	NOTES	

DATE BY

NOC

Final

10-22-08 Jim

Building Dept. by _____

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR

THIS CARD MUST BE PLACED ON A BOARD AT EYE LEVEL SO IT CAN BE READ FROM STREET AND BE PROTECTED FROM THE WEATHER.

NOTICE: IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIED, OR FEDERAL AGENCIES. THIS PERMIT IS VOID IF THE FIRST INSPECTION IS NOT MADE WITH SIX (6) MONTHS FROM THE DATE ISSUED OR IF NO INSPECTION HAS BEEN MADE FOR A PERIOD OF SIX (6) MONTHS FROM THE MOST RECENT PASSED INSPECTION. BUILDING PLANS MUST BE ON JOB AT TIME OF INSPECTION. REINSPECTION FEE \$25.00.

SIGN LIGHTING PLAN



Business Name: BEST WESTERN BEACH RESORT
 Site Address: 684 ESTERO BLVD. Tel: 239-463-6000
 Contractor: Island Const. & Consulting License No: CGC022662
 Contact Name: AL CALCIANO Tel: 565-3480 Fax: 463-3013

Type of Lighting Internal illumination ☒ External illumination ☐
 Tubular Fluorescent ☐ Compact Fluorescent ☐ Standard Incandescent ☐
 LED ☒ Tungsten-Halogen ☐ Mercury Vapor ☐ Metal Halide ☐
 High-pressure Sodium ☐ Low-pressure Sodium ☐ Other ☐
 Number of lamps 640 Length of lamps 128' Wattage of lamps 140

Description of enclosure design: Channel set letters

Size of Copy area and all colors: 31.1 S.F. Red Copy

Are there other light sources pointed at the sign, explain placement of these lights:

N/A

Distance and direction of the illumination in relationship to the beach:

LANDWARD FACE OF building, NOT VISIBLE FROM BEACH

Lee County Review Signature: _____ Date: _____
 Remarks: _____

Site Check	Date: _____
Inspector's Comments: _____	

Lee County Inspector's Signature: _____	

SITE PLAN

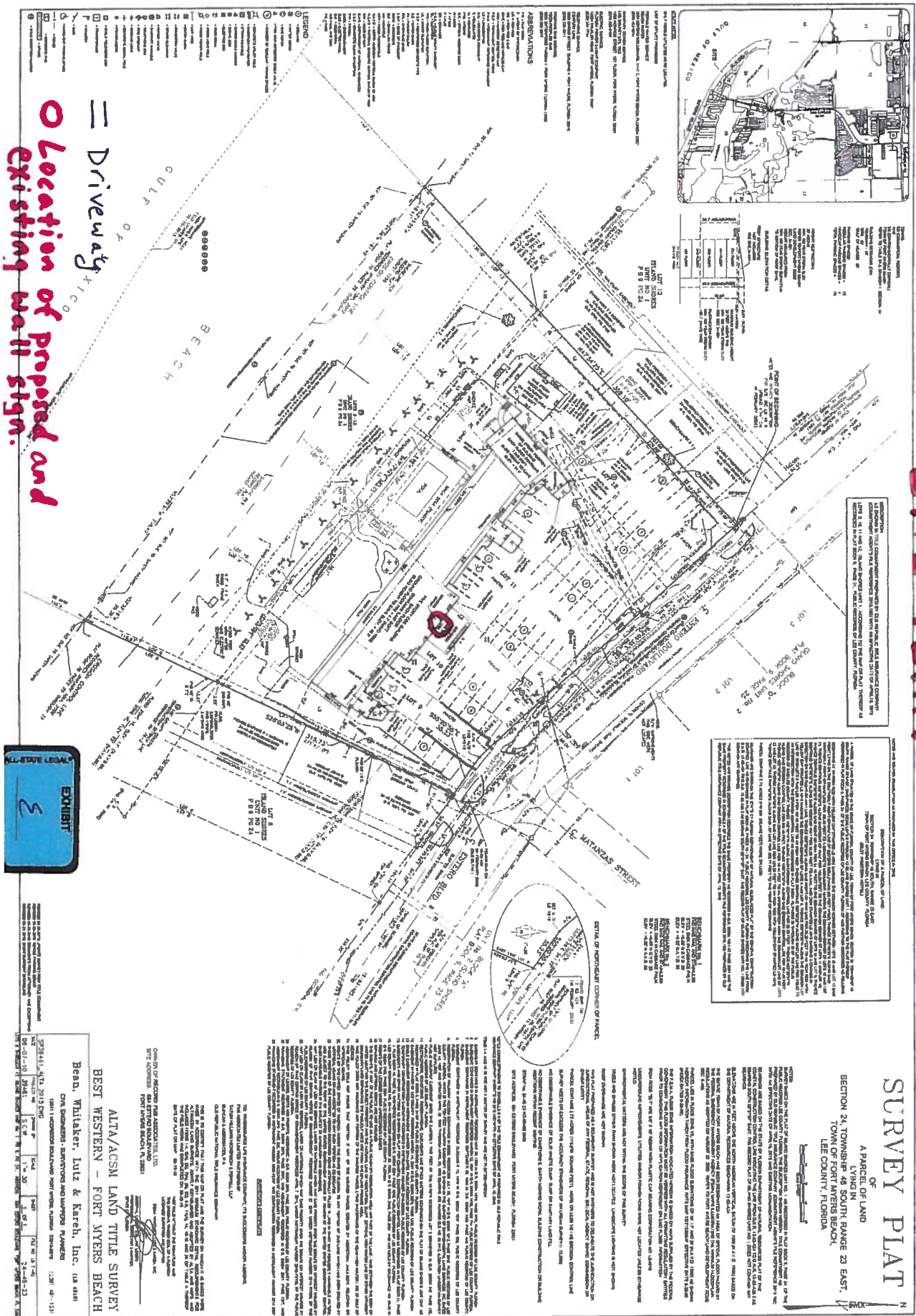


EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 15-03
VAR2013-0003 – Moss Marine Sign Variance

WHEREAS, applicant Sam Ireland, authorized agent and manager for Moss Marine is requesting a variance from Section 30-153(b)(1) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP numbers for the subject property are 24-46-23-W3-00027.0000 and 24-46-23-W3-00026.0020 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 450 Harbor Court Fort Myers Beach, FL 33931, zoned Commercial Marine on the Official Zoning Map and the Marina category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on January 13, 2015; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on March 16, 2015, at which time the Town Council gave full and complete consideration to the request of Applicant, the recommendations of the LPA, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 30-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting variances, the Town Council makes the following findings of fact and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a variance from Section 30-153(b)(1) of the LDC to permit existing signage that exceeds the maximum sign area.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 for granting a variance, the Town Council makes the following findings and reaches the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question.

EXHIBIT F

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance requested **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The LPA and Staff recommends that Town Council **APPROVE** the applicant's request for a variance to Chapter 30 of the LDC, to accommodate an existing sign, subject to the following conditions:

1. Approval of this variance does not exempt the subject property from any other provisions of LDC Chapter 30.
2. The Maximum square footage of the wall sign on the Moss Marine storage building facing Matanzas Pass is limited to 325 square feet.
3. If the marina use ceases on the subject property for any reason, this variance will expire and the sign allowed by this variance must be removed within 30 days of termination of the marina use.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Hosafros and seconded by Council Member Stockton and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor
Rexann Hosafros
Summer Stockton

AYE
AYE
AYE

Dan Andre, Vice Mayor
Alan Mandel

NAY
AYE

DULY PASSED AND ADOPTED THIS 16th day of MARCH, 2015.

By: 

Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: 

Gray, Robinson P.A.
Town Attorney

ATTEST:

By: 

Michelle Mayher
Town Clerk

EXHIBIT F

Exhibit A:

Description of property. Parcel: 3

A TRACT OR PARCEL OF LAND LOCATED IN GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, ON ESTERO ISLAND IN LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWESTERLY CORNER OF BLOCK 3 OF BUSINESS CENTER, A SUBDIVISION ACCORDING TO A MAP OR PLAT RECORDED IN THE PLAT BOOK 9 AT PAGES 9 AND 10 OF THE PUBLIC RECORDS OF LEE COUNTY, RUN NORTHEASTERLY ALONG A PROLONGATION OF THE NORTHEASTERLY LINE OF SAID BLOCK 3 FOR 66 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE COUNTY ROAD, THENCE CONTINUE ON THE SAME COURSE FOR 550 FEET; THENCE DEFLECT 90 DEGREES RIGHT AND RUN NORTHEASTERLY, PARALLEL TO THE AFORESAID COUNTY ROAD FOR 320 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREBY DESCRIBED. FROM SAID POINT OF BEGINNING RUN SOUTHEASTERLY ALONG A LINE PERPENDICULAR TO THE AFORESAID COUNTY ROAD, FOR 153 FEET; THENCE RUN NORTHEASTERLY, PARALLEL TO AND 430 FEET FROM THE CENTER LINE OF SAID COUNTY, FOR 172 FEET, MORE OR LESS, TO THE WATERS OF MATANZAS PASS; THENCE RUN NORTHWESTERLY ALONG SAID WATERS TO AN INTERSECTION WITH A LINE THROUGH THE POINT OF BEGINNING PARALLEL TO SAID COUNTY ROAD, THENCE RUN SOUTHWESTERLY ALONG SAID LINE FOR 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 12-22
VAR2011-0004 - Beach Shell Inn Sign Variance

WHEREAS, applicant Beach Shell Enterprises, LLC is requesting a variance from Section 30-93(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W2-0020B.0010 and the legal description of the subject property is Winkler Subdivision Block B Plat Book 8 Page 45 Lots 1, 2 & 3; and

WHEREAS, the subject property is located at 2610 Estero Boulevard, Fort Myers Beach, FL 33931 in the Commercial Resort zoning category of the Official Zoning Map and the "Boulevard" category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 14, 2012; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of the Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on October 15, 2012, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2012-008, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2012-008 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a variance from Section 30-93(b) and Section 30-154(c) of the LDC, with any approval subject to the following conditions:

CONDITIONS OF APPROVAL:

1. Approval of this variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.

EXHIBIT F

2. The height of the sign, measured from the elevation of the highest adjacent grade or the crown of the adjacent street, whichever is higher, to the base of the sign is not to exceed 4'6" and the height to highest point on the sign must not exceed 9' as depicted on *Exhibit A*; and the sign setback measured from the property line of the subject property will be 0' as depicted on *Exhibit B*.
3. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
4. If the pool equipment, including the pool heater and exhaust, on the subject property is removed, this variance will expire. If the pool heater, fence or pool equipment is substantially relocated, or is modified or replaced such that the height of the pool heater, fence or pool equipment is more than fifteen (15%) lower than the current height of these items, then this variance will expire. The sign allowed by this variance must be removed within 30 days of the issuance of any demolition permit for the principal building. If the building is destroyed or damaged by a natural disaster to the extent that it is rendered uninhabitable, then the sign must be removed within 30 days of the issuance of a demolition permit or within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever comes first. Placement of signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of application for a permit.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the Town Council makes the following findings and reach the following conclusions:

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance are **not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

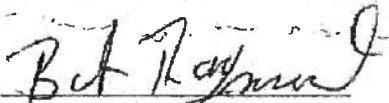
EXHIBIT F

E. The conditions or circumstances on the specific piece of property for which the variance is sought are **not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

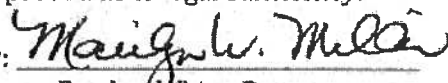
The foregoing Resolution was adopted by the Town Council upon a motion by Council member Kosinski and seconded by Councilmember List, and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor	AYE	Alan Mandel, Vice Mayor	AYE
Jo List	AYE	Joe Kosinski	AYE

DULY PASSED AND ADOPTED THIS 15th day of October, 2012.

By: 
Bob Raymond, Mayor

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
Town Attorney

ATTEST:

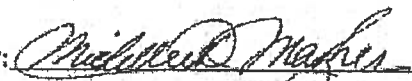
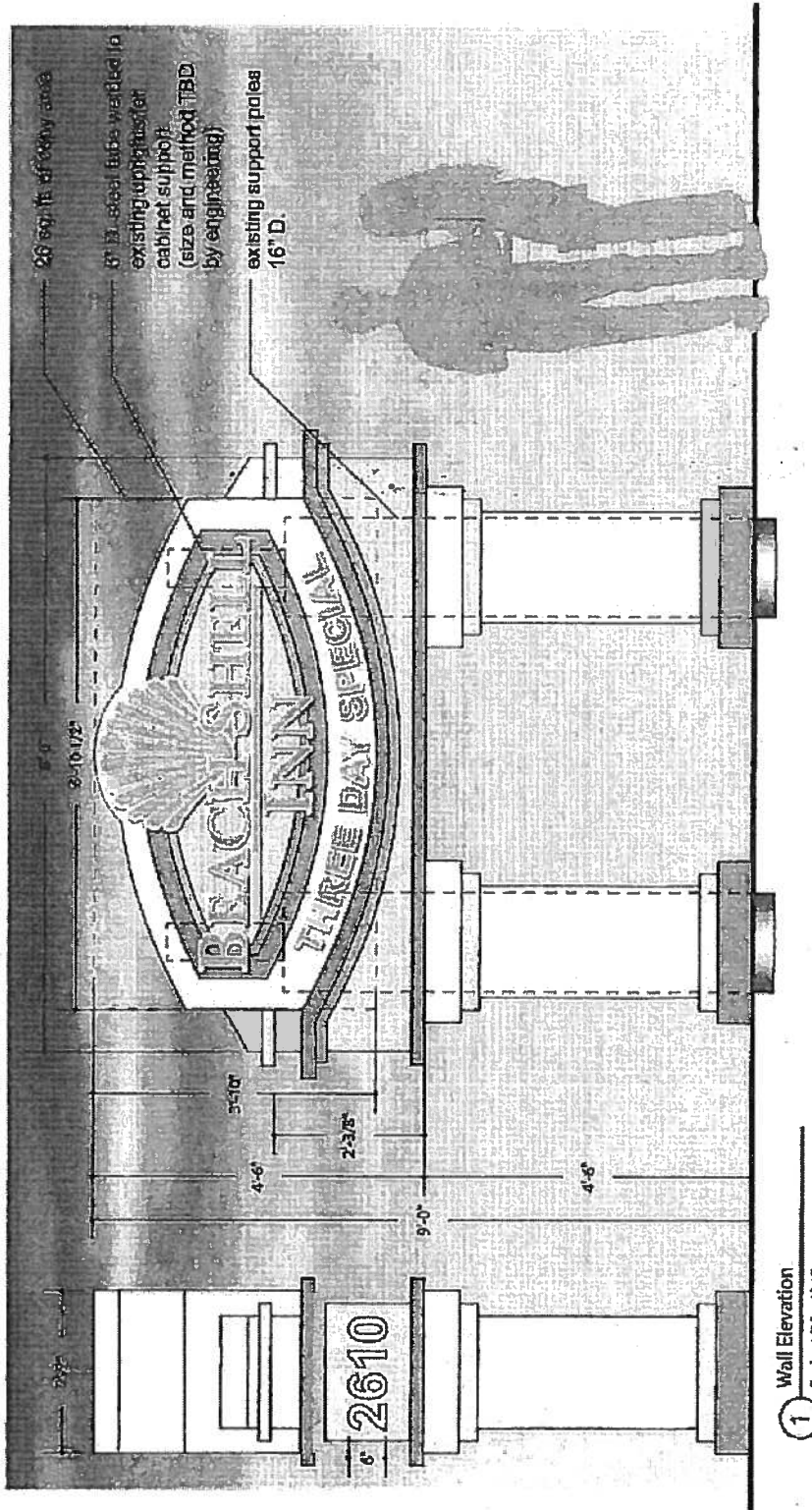
By: 
Michelle Mayher
Town Clerk

EXHIBIT A

Monument Sign - Revised Design (v2)

26' square footage of copy area

- Internally illuminated aluminum sign cabinet (H.O. fluorescent lamps)
- Push-through acrylic letters with vinyl inset applied
- Stucco finish applied to cabinet and trim
- exact paint colors TBD



1 Wall Elevation
Scale: 1/2" = 1'-0"

	<p>A: 3300 Palm Ave. Fort Myers, FL 33901 P: 239.278.4245 F: 239.278.3912</p>	<p>Designer: Matt Salesperson: Elisha</p>	<p>Client: Beach Shell Inn Location: Fort Myers Beach, FL Filepath: WFS1\grix\B\Beach Shell Inn\Beach Shell Inn_Rev2b</p>	<p>Drawings Dates Initial: 3/19/12 Revisions: 3/21/12, 4/5/12</p>
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THIS SIGN INCLUDING BUT NOT LIMITED TO ALL PLASTIC OR SIMILAR COMPONENTS THEREOF, HAS BEEN DESIGNED IN COMPLIANCE WITH THE 2007/2009 AMERICAN NATIONAL BUILDING CODE INTERNATIONAL, 1600 WIND LOADS AND SEC. 1607 SIGNS. THIS DESIGN IS THE EXCLUSIVE PROPERTY OF TGP DESIGNERS LLC AND IS NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECTS WITHOUT WRITTEN PERMISSION BY TGP DESIGNERS LLC. DESIGNERS AND COUNCILS MAY HAVE ELIGIBLE FOR REIMBURSEMENT WITH APPLICABLE AGREEMENTS.

EXHIBIT F

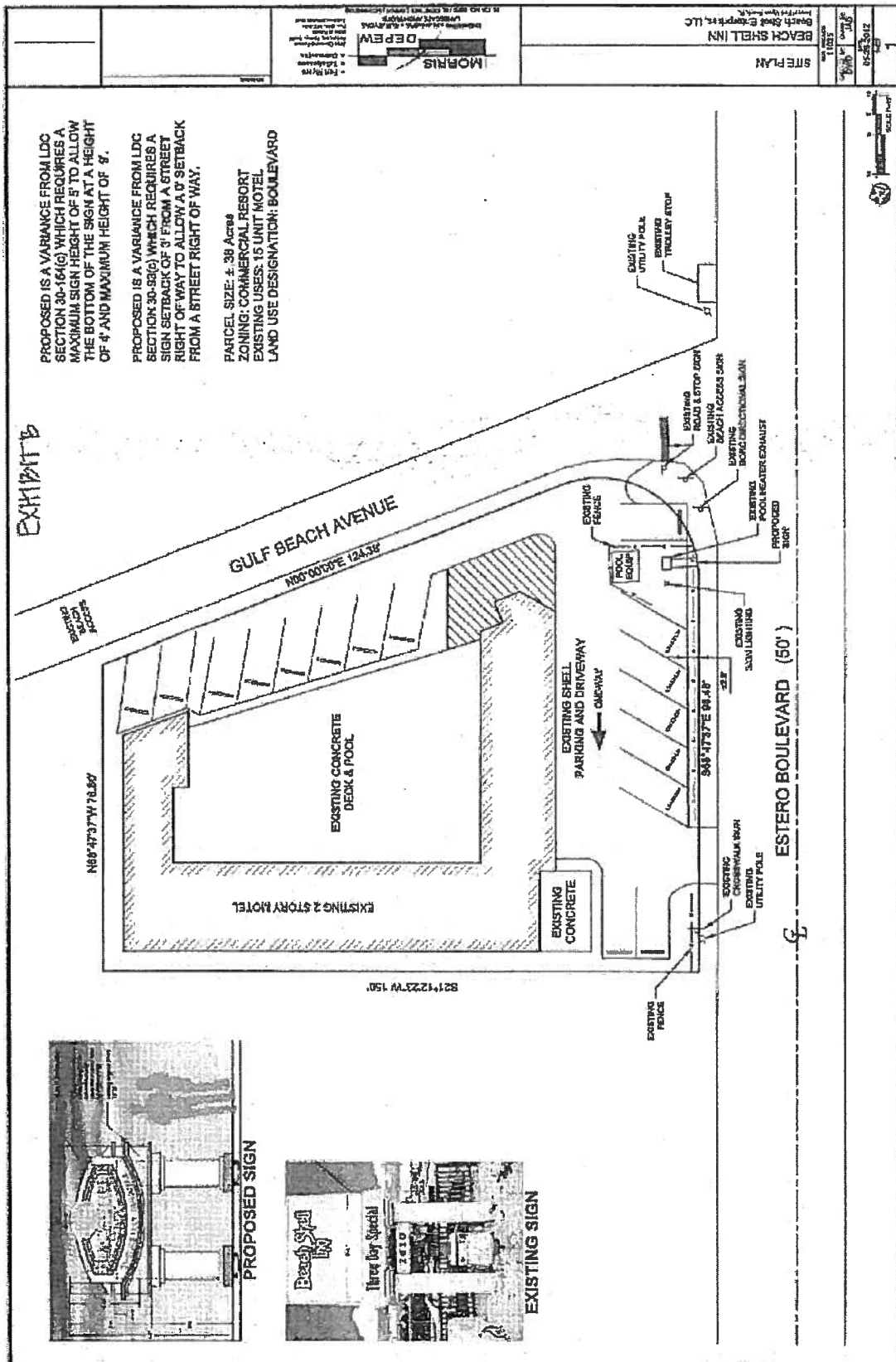


EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 11-20
FMBVAR2008-0003 (DiamondHead Sign Variance)

WHEREAS, applicants Neil Hopgood and Randy Kares have requested a Variance from Section 30-153(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W4-0090A.001 and the legal description of the subject property is GULF BAY VIEW BLK A PB 8 PG 69 LOTS 1 THRU 11 +VACATED STREET OR 648/318; and

WHEREAS, the subject property is located at 2000 Estero Boulevard in the DOWNTOWN zoning district of the Official Zoning Map and the Pedestrian Commercial category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 13, 2011; and

WHEREAS, at its meeting of September 13, 2011 the LPA instructed Town staff to bring this application forward to Town Council without the necessity of having approved LPA minutes; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on October 17, 2011, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2011-07, the recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2011-010 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a Variance from Section 30-153(b) and Section 30-154(c) of the LDC, with any approval subject to the following conditions:

EXHIBIT F

CONDITIONS OF APPROVAL:

1. *Approval of this variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.*
2. *The height of the sign, measured from the elevation of the existing grade of the elevated parking lot to the highest point on the sign must not exceed 8'6" except for the diamond shaped extension, provided the area of said extension shall not to exceed the dimensions shown in **Exhibit E**.*
3. *Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.*
4. *If the principal building on the subject property is removed or replaced for any reason, this variance will expire and the sign allowed by this variance must be removed within 30 days of the issuance of the demolition permit for the principal building or within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever condition(s) applies and whichever comes first. Placement of signage in conjunction with redevelopment must comply with all regulations in effect at the time of permitting.*
5. *Landscaping shall be installed and maintained around the base of the sign at a height so that no more than 18" of the monument base is visible .*

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the Town Council makes the following findings and reaches the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question.
- B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

EXHIBIT F

E. The conditions or circumstances on the specific piece of property for which the variance is sought are **not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

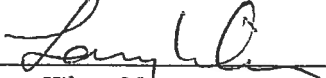
The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Kosinski and seconded by Councilmember List, and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor AYE
Alan Mandel AYE
Joe Kosinski AYE

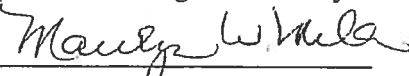
Bob Raymond, Vice Mayor AYE
Jo List AYE

DULY PASSED AND ADOPTED THIS 17th day of OCTOBER, 2011.

Town Council of the Town of Fort Myers Beach

By: 
Larry Kiker, Mayor

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
Town Attorney

ATTEST:


By: 
Michelle Mayher
Town Clerk

EXHIBIT F

EXHIBIT (E)

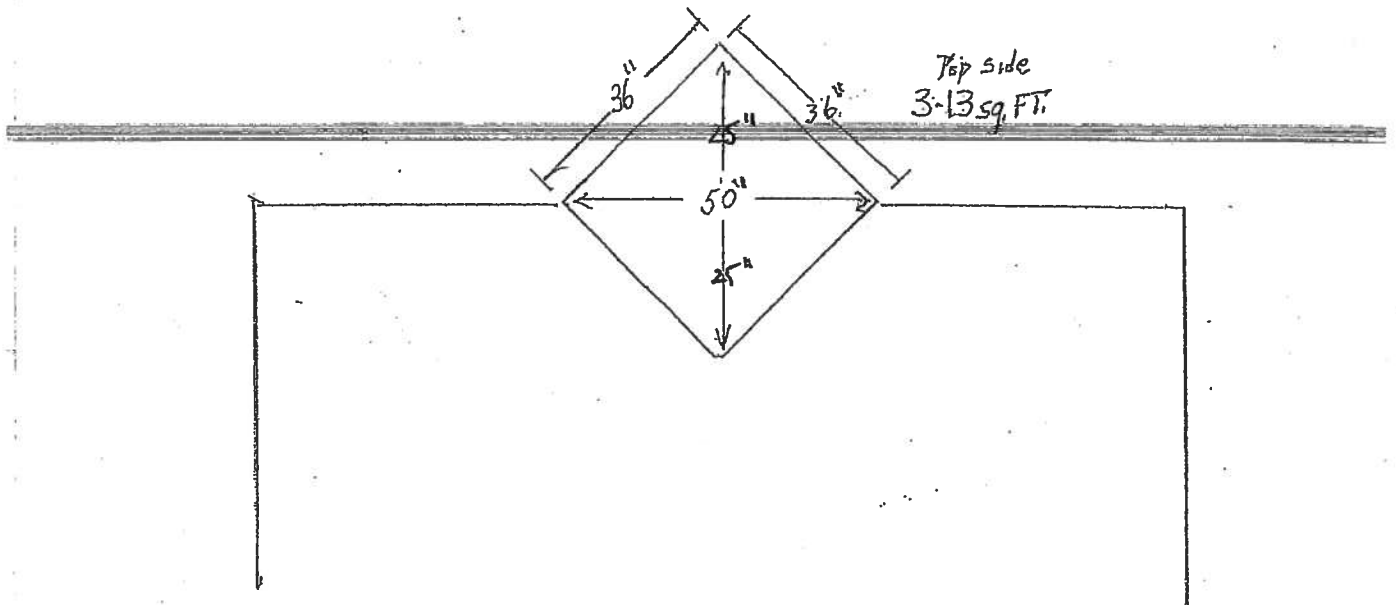


EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 12-19
VAR2012-0002 - Dolphin Inn Sign Variance

WHEREAS, applicant RTJP Investments, Inc is requesting a variance from Section 30-93(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 134-46-24-W4-02600.00CE and the legal description of the subject property is attached as *Exhibit B*; and

WHEREAS, the subject property is located at 6555 Estero Boulevard, Fort Myers Beach, FL 33931 in the Commercial Resort zoning category of the Official Zoning Map and the Mixed Residential category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 14, 2012; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on November 5, 2012, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2012-010, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2012-010 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a variance from Section 30-93(b) to allow a 0' setback from the property line of the subject property; and

The Town Council **APPROVES** the applicant's request for a variance from Section 30-154(c) of the LDC to permit a 2'10" tall sign base and an overall sign height of 9', measured from the highest adjacent grade to the highest point of the sign face or its supporting structural elements, with the approval subject to the following conditions:

EXHIBIT F

CONDITIONS OF APPROVAL:

1. Approval of this variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.
2. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
3. The height of the sign, as measured from the highest adjacent grade to the highest point of the sign face or its supporting structural elements is not to exceed 9'.
4. The sign base as measured from the highest adjacent grade is not to exceed 2'10" in height.
5. If the principal building on the subject property is removed or replaced for any reason, this variance will expire. The sign allowed by this variance must be removed within 30 days of the issuance of any demolition permit for the principal building. If the building is destroyed or damaged by a natural disaster to the extent that it is rendered uninhabitable, then the sign must be removed within 30 days of the issuance of a demolition permit or within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever occurs first. Placement of signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of application for a permit.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the Town Council makes the following findings and reaches the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

EXHIBIT F

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Kosinski and seconded by Councilmember List and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor AYE
Dan Andre, Councilmember NAY
Joe Kosinski, Councilmember AYE

Alan Mandel, Vice Mayor NAY
Jo List, Councilmember AYE

DULY PASSED AND ADOPTED THIS 5th day of NOVEMBER, 2012.

By: Bob Raymond
Bob Raymond, Mayor

Approved as to legal sufficiency:

By: Margaret Mela
Fowler, White, Boggs
Town Attorney

ATTEST:

By: Michelle Mayher
Michelle Mayher
Town Clerk

EXHIBIT F

EXHIBIT B

DOLPHIN INN CONDOMINIUM

LEGAL DESCRIPTION OF LANDS SUBMITTED TO CONDOMINIUM

Lot 17 plus a portion of Lots 18 and 19 lying Northerly of the following described line; From the most Southerly corner of Lot 18, common with Lot 19, thence Northwesterly along the Southwesterly line of Lot 18, (being the Estero Blvd. right-of-way) for 36.84 feet to the Point of Beginning of said line; thence deflect right 88 41'40" and run 135.79 feet to the canal and the end of said line, at a point 19.39 feet, as measured on a chord from the most Easterly corner of Lot 19, (common with Lot 20). All being in Sandpiper Village, Unit 2, as recorded in Plat Book 9, at Page 52, Lee County, Florida, Public Records.

And all right, title and interest of the grantors in an easement from George R. Allen, Trustee, in liquidation of Estero Beach Properties, Inc., and Estero Development Corporation, Dissolved Florida Corporation to A. L. Mechling, Frank Gobes, L. H. Noble, as trustees for the present and future owners of Lots in Sandpiper Village Unit No. 1 and Unit No. 2, dated September 2, 1964, and recorded in O. R. Book 267 at Page 11 in Public Records of Lee County, Florida.

All that parcel of land situate lying and being in Lee County, Florida, more particularly described as follows:

A strip or parcel of land lying between Estero Boulevard and the Gulf of Mexico in Sections 33 and 34, Township 46 South, Range 24 East, Estero Island, Lee County, Florida, for walkway purposes, which strip or parcel is described as follows:

Beginning at a point on the Southwesterly side of Estero Boulevard, said point being 1440 feet (measured along line perpendicular to the south line of Block I, McPhie Park, Unit No. 2, according to plat recorded in Plat Book 8 at Page 59, Public Records of Lee County) run southeasterly along said southwesterly line of Estero Blvd. for 12.29 feet; thence run southwesterly parallel with said south line of Block I, McPhie Park, Unit No. 2, and 1452.16 feet south of said Block I for 470 feet more or less to the waters of the Gulf of Mexico, passing through concrete monuments at 175.44 feet and 352.69 feet; thence run northwesterly along said waters to an intersection with a line parallel with said south line of Block I passing through the point of beginning; thence run northeasterly along said parallel line to the point of beginning, passing through concrete monuments at 177.25 feet and 354.5 feet southwesterly of said point of beginning.

27
37912851

EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 12-11
VAR2011-0006 (Pierview Hotel Sign Variance)

WHEREAS, Broadway Investment Partners, LLC ("Applicants") have requested three Variances from Section 30-154(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 24-46-23-W3-00009.0000 and the legal description of the subject property is attached as "**Exhibit A**"; and

WHEREAS, the subject property is located at 1160 Estero Boulevard in the DOWNTOWN zoning district of the Official Zoning Map and the Pedestrian Commercial category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on June 12, 2012; and

WHEREAS, at its meeting of June 12, 2012, the LPA instructed Town staff to bring this application forward to Town Council without the necessity of having approved LPA minutes; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on August 6, 2012, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2011-07, the recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2012-006 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for three Variances from Section 30-153(b) and Section 30-154(c) of the LDC, with any approval subject to the following conditions:

EXHIBIT F

CONDITIONS:

1. The sign must be set back a minimum of 1 foot from the Estero Boulevard right-of-way.
2. The sign pedestal cannot exceed 4 feet in height, so as to allow the sign to be seen over the above-ground utilities on-site.
3. The maximum sign height is 8 feet, as measured from the adjacent grade or crown of the road.
4. If the location of any of the existing utilities changes from what is depicted in the attached Exhibit D, then this variance shall terminate and the property owner shall be required to apply for a new variance and the Town shall waive the fee for such variance application.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the Town Council makes the following findings and reaches the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, **and** the request **is** for a de minimis variance to protect public safety by not obstructing access to the public utilities and fire protection facilities.
- B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Kosinski and seconded by Vice Mayor Raymond, and upon being put to a vote, the result was as follows:


EXHIBIT F

Larry Kiker, Mayor AYE
Alan Mandel AYE
Joe Kosinski AYE


Bob Raymond, Vice Mayor AYE
Jo List AYE

DULY PASSED AND ADOPTED THIS 6th day of AUGUST, 2012.

Town Council of the Town of Fort Myers Beach

By: 
Larry Kiker, Mayor

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
Town Attorney

ATTEST:


By: 
Michelle Mayher
Town Clerk

EXHIBIT F

"Exhibit A"
Legal Description
24-46-23-W3-00009.0000

From the Southwest corner of Block E, of that certain subdivision known as CRESCENT PARK ADDITION, according to the map or plat thereof on file and recorded in Plat Book 4, Page 46, of the public records of Lee County, Florida; on the East line of Section 24, Township 46 South, Range 23 East, Lee County, Florida, run South along said line 53.24 feet to the South line of an existing County Road right-of-way 50 feet wide and Point of Beginning of the lands herein described; thence Northwesterly at an inclusive angle of $69^{\circ}54'$ with said section line along the South line of said right-of-way a distance of 122.63 feet; thence Southwesterly perpendicular to said road for 213 feet, more or less, to the Gulf of Mexico; thence Southeasterly along said Gulf to the East line of said Section 24; thence Northerly along said line a distance of 258 feet, more or less, to the Point of Beginning.

EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13-02
VAR2012-0001 – Neptune Inn Sign Variance

WHEREAS, applicant Blue Vista Capital, LLC is requesting a variance from Section 30-93(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAPs for the subject property are 19-46-24-W3-04300.00CE; 19-46-24-W3-0430N.0001 and 19-46-24-W3-0110A.0010 and the legal description of the subject property is contained in *Exhibit A* which is attached hereto and incorporated herein by reference; and

WHEREAS, the subject property is located at 2310 Estero Boulevard, Fort Myers Beach, FL 33931 in the Commercial Resort zoning category of the Official Zoning Map and the "Boulevard" category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on November 13, 2012; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on January 7, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2012-017, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2012-017 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the request for a variance from Section 30-93(b) of the LDC to allow a monument sign with a 0' setback from the Estero Boulevard right-of-way/property line of the subject property; and

EXHIBIT F

The Town Council **APPROVES** the request for a variance from Section 30-154(c) of the LDC to permit a 4' tall hedge/planter sign base and a sign face height of 3' for an overall sign height of 7' with such approval subject to the following conditions:

CONDITIONS OF APPROVAL:

1. The height of the sign, as measured from the highest adjacent grade or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements is not to exceed 7'.
2. The sign base as measured from the highest adjacent grade or the crown of the adjacent street, whichever is higher, is not to exceed 4' in height.
3. The sign setback as measured from the front right-of-way/property line will be zero (0) feet.
4. The existing hedge planted around the base of the sign along the subject property's Estero Boulevard property line must be maintained at 42" in height at all times. Removal of the hedge or maintenance of the hedge at a height less than 42" will cause this variance to expire.
5. Approval of this variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.
6. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
7. If the principal building on the subject property is removed or replaced for any reason, this variance will expire. The sign allowed by this variance must be removed within 30 days of the issuance of any demolition permit for the principal building. If the building is destroyed or damaged by a natural disaster to the extent that it is rendered uninhabitable, then the sign must be removed within 30 days of the issuance of a demolition permit or within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever occurs first. Placement of signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of application for a permit.
8. The applicant has 120 days from the day of Town Council approval to permit and install the approved monument sign or remove the existing non-conforming sign on the subject property.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the Town Council makes the following findings and reaches the following conclusions:

A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance are **not** the result of actions of the applicant taken after the adoption of the regulation in question.

EXHIBIT F

C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

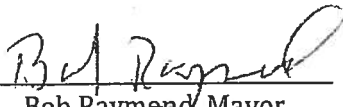
E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember **Kosinski** and seconded by Councilmember **List**, and upon being put to a vote, the result was as follows:


Bob Raymond, Mayor AYE
Jo List AYE
Dan Andre AYE

Alan Mandel, Vice Mayor AYE
Joe Kosinski AYE

DULY PASSED AND ADOPTED THIS 7th day of JANUARY, 2013.

By: 
Bob Raymond, Mayor

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
Town Attorney

ATTEST:


By: 
Michelle Mayher
Town Clerk

EXHIBIT F

Exhibit A

LEGAL DESCRIPTION

(EXHIBIT A ATTORNEYS TITLE INSURANCE FUND, INC. FUND FILE No
18-2005-2214, DATED 3/04/05.)

PARCEL 1:

LOTS 1, 2, AND 3, BLOCK E, OF THAT CERTAIN SUBDIVISION KNOWN AS
SEAGRAPE ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED
IN THE OFFICE OF THE CLERK OF CIRCUIT COURT IN PLAT BOOK 4, AT PAGE
17, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

PARCEL 2:

BLOCK "A" AND "B", IN THAT CERTAIN SUBDIVISION KNOWN AS BEACH
ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE WITH AND
RECORDED THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, IN PLAT BOOK 5,
PAGE 68, TOGETHER WITH THAT PORTION OF THE STREET OR ALLEY LYING
BETWEEN SAID BLOCKS VACATED BY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY, FLORIDA, TOGETHER WITH ALL OF BLOCK "A",
TOGETHER WITH THE VACATED ALLEY THAT FORMERLY SEPARATED LOTS 1 AND
2 FROM LOT 3 ALL BEING IN THAT CERTAIN SUBDIVISION KNOWN AS W.W.
WATSON'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE
AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE
COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 87, TOGETHER WITH ALL
IMPROVEMENTS THEREON WHICH IMPROVEMENTS ARE KNOWN AS THE "NEPTUNE
INN" AND ALSO TOGETHER WITH ALL FURNITURE, FURNISHINGS, FIXTURES, AND
EQUIPMENT LOCATED IN, ON OR ABOUT SAID IMPROVEMENTS, TOGETHER WITH
ALL OF THAT CERTAIN BUSINESS KNOWN AS THE "NEPTUNE INN", INCLUDING
THE NAME AND GOOD WILL THEREOF.

EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13-03
VAR2012-0006 – The Beach Theater

WHEREAS, applicant William McMullan, authorized agent for Fort Myers Beach Properties, LLC, is requesting a variance from Section 30-153 (b)(1), Section 30-154(a), and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 34-46-24-W4-00046.0000 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 6425 Estero Boulevard, Fort Myers Beach, FL 33931 in the 'Commercial Boulevard' zoning category of the Official Zoning Map and the 'Mixed Residential' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on January 8, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on February 4, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-001, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2013-001 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a variance from Section 30-153 (b)(1), Section 30-154(a), and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code to permit an existing monument sign with a backlit changeable message panel, thirty-seven (37) square feet of sign face area, and 7'10" in overall sign height.

CONDITIONS OF APPROVAL:

1. *If the property ceases to be used as a movie theater, then this variance will expire.*

EXHIBIT F

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.


D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

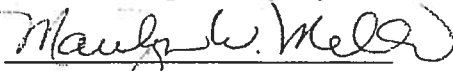
The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember **Kosinski** and seconded by Councilmember **List**, and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor	absent	Alan Mandel, Vice Mayor	AYE
Jo List	AYE	Joe Kosinski	AYE
Dan Andre	AYE		

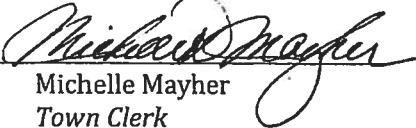
DULY PASSED AND ADOPTED THIS **4th** day of **FEBRUARY, 2013**.

By: 
Alan Mandel, Acting Mayor

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
Town Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk

LEGAL DESCRIPTION

EXHIBIT A

NORTHERLY PARCEL

LOTS 1, 2 AND 3 OF BLOCK D, SANTINI CROSS UNRECORDED PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF BLOCK I, McPHIE PARK, UNIT NO. 2 AS PER PLAT THEREOF ON THE AND RECORDED IN PLAT BOOK 8 AT PAGE 59, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHEASTERLY AT RIGHT ANGLES TO THE SOUTHEASTERLY BOUNDARY LINE OF SAID BLOCK I A DISTANCE OF 590 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLE TO THE LAST MENTIONED COURSE IN THE EASTERLY BOUNDARY LINE OF ESTERO BOULEVARD; THENCE RUN SOUTHEASTERLY ALONG SAID EASTERLY BOUNDARY LINE OF SAID BOULEVARD A DISTANCE OF 404.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ON THE SAME COURSE A DISTANCE OF 165.26 FEET; THENCE RUN NORTHEASTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE A DISTANCE OF 115 FEET TO THE WESTERLY BOUNDARY LINE OF THE EXISTING CANAL; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY BOUNDARY OF SAID CANAL A DISTANCE OF 181.87 FEET TO THE SOUTHEASTERLY BOUNDARY LINE OF A DEDICATED STREET; THENCE RUN SOUTHWESTERLY ALONG SAID SOUTHEASTERLY BOUNDARY LINE OF SAID STREET A DISTANCE OF 116.19 FEET TO THE POINT OF BEGINNING; BEING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

CONTAINING 0.458 ACRES, MORE OR LESS.

AND

SOUTHERLY PARCEL

A PARCEL OF LAND LYING IN GOVERNMENT LOT 1 OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF COUNTY ROAD RIGHT-OF-WAY CONVEYED BY DEED RECORDED IN DEED BOOK 193, PAGE 583, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHICH POINT IS 1,290 FEET SOUTHEASTERLY, AS MEASURED AT RIGHT ANGLES FROM THE SOUTHEASTERLY LINE OF BLOCK I, UNIT NO. 2, McPHIE PARK ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; RUN NORTHERLY ALONG SAID COUNTY ROAD FOR 137.86 FEET; THENCE RUN NORTHEASTERLY PERPENDICULAR TO SAID ROAD FOR 115 FEET TO THE SOUTHERNMOST CORNER OF THAT CERTAIN BOAT CANAL DESCRIBED IN PARAGRAPH 2(B) OF THAT CERTAIN DEED RECORDED IN DEED BOOK 200 AT PAGE 194, PUBLIC RECORDS OF LEE COUNTY, THENCE RUN NORTHEASTERLY ALONG SAID CANAL FOR 36.53 FEET; THENCE RUN SOUTHEASTERLY PERPENDICULAR TO SAID CANAL FOR 120 FEET TO THAT CERTAIN STREET DEDICATED TO THE PUBLIC USE AS DESCRIBED IN PARAGRAPH 1(C) OF THE ABOVE MENTIONED DEED; THENCE RUN SOUTHWESTERLY ALONG THE NORTHWESTERLY SIDE OF SAID STREET FOR 170.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.467 ACRES, MORE OR LESS.

SUBJECT TO STATE OWNERSHIP OF SOVEREIGNTY SUBMERGED LANDS, FLORIDA COASTAL MAPPING ACT OF 1974, CHAPTER 177, PART II, F.S.

EXHIBIT F

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13-14
VAR2013-0001 – Lani Kai Sign Variance

WHEREAS, applicant Robert Burandt, Esq, authorized agent for Lani Kai, LP, is requesting a variance from Section 30-154(b), and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 19-46-24-W4-0070D.0020 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 1400 Estero Boulevard, Fort Myers Beach, FL 33931 in the 'DOWNTOWN' zoning category of the Official Zoning Map and the 'Pedestrian Commercial' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on June 11, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on August 19, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-005, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2013-005 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a variance from Section 30-154(b) of the LDC to allow a right-of way setback of 1.7' as depicted on *Exhibit I*;

The Town Council **APPROVES** the applicant's request for a variance from Section 30-154(c) of the LDC to allow a sign height of 9'7" as measured from adjacent grade or crown of road, whichever is higher, subject to the following condition;

EXHIBIT F

CONDITIONS OF APPROVAL:

1. The width of the sign structure shall not exceed 8'2".
2. Landscaping shall be installed around the sign base wherever possible.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Andre and seconded by Council Member Raymond, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	AYE
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

DULY PASSED AND ADOPTED THIS 19th day of AUGUST, 2013.

By: 

Alan Mandel, Mayor

Approved as to legal sufficiency:

By: 

Fowler White Boggs, P.A.
Town Attorney

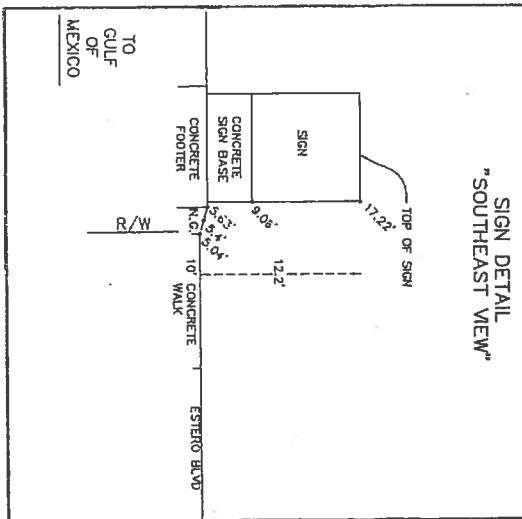
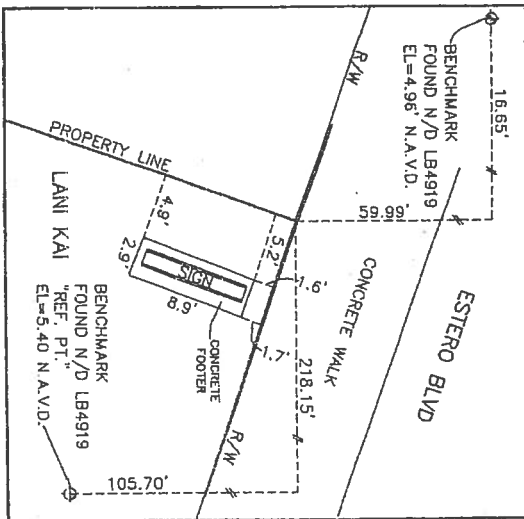
ATTEST:

By: 

Michelle Mayher
Town Clerk

SPECIFIC PURPOSE SURVEY

OF
A PARCEL OF LAND
LYING IN
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
FORT MYERS BEACH, LEE COUNTY, FLORIDA



NOTES:
SURVEY BASED ON THE R/W MAPS FOR ESTERO BLVD PREVIOUSLY
PREPARED BY THIS FIRM.
ELEVATIONS ARE BASED ON N.A.V.D. 1988 AND NGS BENCHMARK
AD1327.
DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND
RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND
UNWRITTEN).
UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS
WERE NOT LOCATED UNLESS OTHERWISE NOTED.

ALL UTILITIES AND IMPROVEMENTS ARE NOT SHOWN.

THIS PLAT PREPARED AS AN EXHIBIT BEING A SPECIFIC PURPOSE
SURVEY TO SHOW THE LOCATION AND ELEVATION OF THE EXISTING
SIGN ALONG THE RIGHT-OF-WAY LINE OF ESTERO BLVD AND THE
WESTERLY PROPERTY LINE OF LANIK KAI.

STRAP NO: 19-46-24-W4-00700.0020

ADDRESS: 1400 ESTERO BLVD, FORT MYERS BEACH, FL 33931

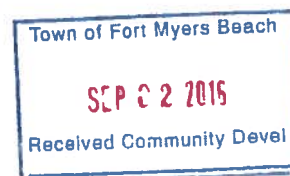
DATE OF LAST FIELD WORK: 1-8-13.

"NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL, RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.
BEAN, WHITAKER, LUTZ & KAREH, INC.
SCOTT C. WHITAKER, P.E., NO. 13334
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
- THIS CERTIFICATION IS ONLY FOR THE LANDS
- IT IS NOT A CERTIFICATION OF TITLE, ZONING,
- SETBACKS, OR FREEDOM OF ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF
- ASSISTANCE OF TITLE AND ALL LIMITS OF TITLE
- SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

SIGN LOCATION AT LANIK KAI

LEGEND
E.O.P. = EDGE OF PAVEMENT
CONC = CONCRETE
R/W = RIGHT OF WAY
N.G.S. = NATIONAL GEODETIC SURVEY
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
N.G. = NATURAL GROUND
N/D = NAIL AND DISC

Bean, Whitaker, Lutz & Kareh, Inc. (ID 4919)				
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS				
15041 MCNEEGOR BOULEVARD, FORT MYERS BEACH, FLORIDA 33918-8970 (239) 941-1331				
SR42160.DWG	PROJECT NO.	DRAWN BY	SCALE	SHEET
DATE	42160	S. PIERCE	1" = 10'	1 OF 1
1-8-13				FILE NO. (S-1-R)
				19-46-24



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, eleven (11) copies and one digital/electronic copy* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application.

PROJECT NUMBER: VAR 16-0008 DATE: 9-2-16

Site Address: 684 Estero Boulevard, Ft. Myers Beach, FL 33931

STRAP Number: 24-46-23-W3-00400.0090

Applicant: FMB ASSOCIATES LP, c/o Roetzel & Andress Phone: 239-337-3850

Contact Name: Noel Davies Phone: 239-338-4211

Email: ndavies@ralaw.com Fax: 239-337-0970

Current Zoning District: CR

Future Land Use Map (FLUM) Category: Mixed Residential & Recreation

FLUM Density Range: 75 units/26 rental units per AC per Comprehensive Plan Table 4-2 Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☐ Special Exception
- ☒ Variance
- ☐ Conventional Rezoning
- ☐ Planned Development ☐ Commercial ☐ Residential
- ☐ Master Concept Plan Extension
- ☐ Appeal of Administrative Action
- ☐ Vacation of Platted Right-of-way and Easement
- ☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

- PH-A
- PH-B
- PH-C
- PH-D
- PH-E
- PH-F
- PH-G
- attach on separate sheet

EXHIBIT G

PART I – General Information

A. Applicant*: FMB ASSOCIATES LP, c/o Roetzel & Andress Phone: 239-337-3850

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: Roetzel & Andress, 2320 First Street, Ft. Myers, FL 33901

Email: ndavies@ralaw.com Fax: 239-337-3850

Contact Name: Noel Davies Phone: 239-338-4211

B. Relationship of Applicant to subject property:

<input checked="" type="checkbox"/> Owner*	<input type="checkbox"/> Land Trust*	<input type="checkbox"/> Partnership*
<input type="checkbox"/> Corporation*	<input type="checkbox"/> Association*	<input type="checkbox"/> Condominium*
<input type="checkbox"/> Subdivision*	<input type="checkbox"/> Timeshare Condo*	<input type="checkbox"/> Contract Purchaser*
<input type="checkbox"/> Authorized Representative*	<input type="checkbox"/> Other* (please indicate) _____	

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Noel Davies, Roetzel & Andress Phone: 239-337-3850

Address: 2320 First Street #1000, Ft. Myers, FL 33901

Email: ndavies@ralaw.com Fax: 239-337-0970

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

EXHIBIT G

PART II - Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 30 - 153(b)(1)
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____
- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership

- ☐ Single Owner (individual or husband and wife)
- Name: _____ Phone: _____
- Mailing Address: _____
- Email: _____ Fax: _____

EXHIBIT G

☒ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☒ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 4-1
- ☐ Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 24-46-23-W3-00400.0090

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

EXHIBIT G

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
Timothy G. Malbon, 684 Estero Blvd., Ft. Myers Beach, FL	6.2%
_____	_____
_____	_____
William R. Malbon, 1292 Laskin Rd. #400 Virginia Beach, VA 23451	35.6%
Michael S. & Mary C. Malbon, 1896 General Booth Blvd. Virginia Beach, VA 23454	4.0%
Susan Malbon Hughes, 1288 Laskin Rd. #403 Virginia Beach, VA 23451	4.0%

Also, see next page.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

EXHIBIT G

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

Sarah Malbon Mikus, 1288 Laskin Rd. Virginia Beach, VA 23451	4.0%
Mark M. & Robin N. Malbon 1896 General Booth Blvd. Virginia Beach, VA 23454	4.0%
Paul & Barbara Malbon 16340 Willowcrest Way, Fort Myers, FL 33908	20.0%
Jeffrey M. Malbon 8700 Banyan Bay Blvd, Fort Myers, FL 33908	2.2%
Mr. & Mrs. Estes 2940 Wood Duck Dr. Virginia Beach, VA 23456	1.4%
Mary Erhard 1268 Laskin Rd. Virginia Beach, VA 23451	4.4%
H. E. Brown 2248 Princess Anne Rd. Virginia Beach, VA 23456	7.4%
W. F. Hudgins III 1700 Hurlington Ct. Virginia Beach, VA 23454	6.8%

EXHIBIT G

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.



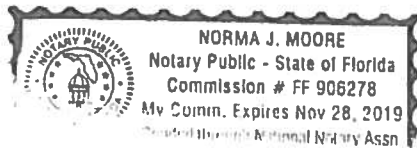
Signature

Timothy G. Malbon, General Partner

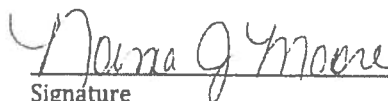
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Sept. 1st 2016 (date) by Timothy G. Malbon, General Partner (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



(SEAL)



Signature

Norma J. Moore

Printed Name

EXHIBIT G

PART V - Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00400.0090

Property Address: 684 Estero Boulevard

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 5-1.

☒ Yes. Property identified in subdivision: Island Shores

Book: 9 Page: 24 Unit: 1 Block: Lot(s): 9 - 12

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 300 feet

Depth (please provide an average width if irregular in shape) 359 northwest side / 315 southeast side feet

Frontage on street: 300 feet. Frontage on waterbody: 390 feet

Total land area: 2.75 ☒ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Northwest from the Sky Bridge approximately 1/3 mile. Property is located on the south side / Gulf side of Estero Blvd.

☒ Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

☒ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

EXHIBIT G

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.
- ☒ Attach a map showing the surrounding property owners as Exhibit 5-7.
- ☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| <input type="checkbox"/> Low Density | <input type="checkbox"/> Marina |
| <input checked="" type="checkbox"/> Mixed Residential | <input checked="" type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Platted Overlay |

H. Zoning (see official Zoning Map):

- | | |
|--|--|
| <input type="checkbox"/> RS (Residential Single-family) | <input type="checkbox"/> CF (Community Facilities) |
| <input type="checkbox"/> RC (Residential Conservation) | <input type="checkbox"/> IN (Institutional) |
| <input type="checkbox"/> RM (Residential Multifamily) | <input type="checkbox"/> BB (Bay Beach) |
| <input type="checkbox"/> RPD (Residential Planned Development) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> CM (Commercial Marine) | <input type="checkbox"/> DOWNTOWN |
| <input type="checkbox"/> CO (Commercial Office) | <input type="checkbox"/> SANTOS |
| <input type="checkbox"/> CB (Commercial Boulevard) | <input type="checkbox"/> VILLAGE |
| <input checked="" type="checkbox"/> CR (Commercial Resort) | <input type="checkbox"/> SANTINI |
| <input type="checkbox"/> CPD (Commercial Planned Development) | |

EXHIBIT G

PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Timothy G. Malbon (name), as General Partner (title) of FMB ASSOCIATES LIMITED PARTNERSHIP (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

FMB ASSOCIATES LIMITED PARTNERSHIP

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Timothy G. Malbon

Typed or Printed Name

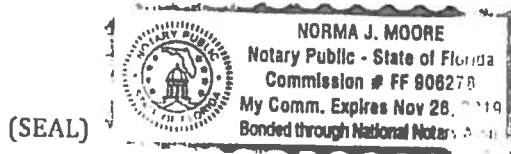
General Partner

Title

9-1-16
Date

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on September 1st 2016 (date) by Timothy G. Malbon (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



Signature

Norma J. Moore
Printed Name

10/12/2012

Town of Fort Myers Beach
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

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EXHIBIT G

LETTER OF AUTHORIZATION

TO TOWN OF FORT MYERS BEACH COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that he is the authorized representative of FMB ASSOCIATES LIMITED PARTNERSHIP, d/b/a Best Western Beach Resort, located at 684 Estero Blvd., Fort Myers Beach, Florida 33931; Strap 24-46-23-W3-00400.0090.

The undersigned hereby designates BEVERLY GRADY and NOEL DAVIES, Roetzel & Andress, to be its agents to file an Application for Public Hearing regarding the above-referenced property.

FMB ASSOCIATES LIMITED PARTNERSHIP
d/b/a Best Western Beach Resort

By: [Signature]
Timothy G. Malbon, General Partner

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 1st day of September, 2016, by Timothy G. Malbon, the General Partner of FMB ASSOCIATES LIMITED PARTNERSHIP, d/b/a Best Western Beach Resort, on behalf of the limited partnership, who [☒] is personally known to me OR [☐] has produced a _____ driver's license as identification and who did (did not) take an oath.

[Signature]
Notary Public
My commission expires: Nov 28, 2019

[NOTARY STAMP/SEAL]

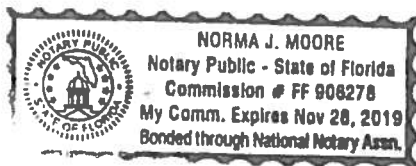
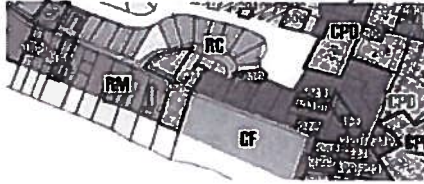


EXHIBIT G

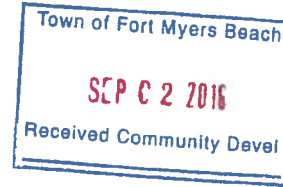
Case # VAR-0008
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach Department of Community Development



Zoning Division



Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Best Western Beach Resort
Authorized Applicant: FMB ASSOCIATES LP, c/o Roetzel & Andress
LeePA STRAP Number: 24-46-23-W3-00400.0090

Current Property Status: Hotel/Motel	
Current Zoning: CR	
Future Land Use Map (FLUM) Category: Mixed Residential & Recreation	
Comp Plan Density: 75 units/26 rental units per AC per Comprehensive Plan Table 4-2	Platted Overlay? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
Sec. 30-153(b)(1)	Maximum sign area, commercial

Complete the narrative statements below for EACH variance requested.

EXHIBIT G

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I Narrative Statements

Request for variance from 30-153(b)(1) (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
See attached narrative.

Reasons for request

Explain why the variance is needed:
See attached narrative.

EXHIBIT G

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Explain the possible effect the variance, if granted, would have on surrounding properties:

See attached narrative.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

See attached narrative.

EXHIBIT G

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

See attached narrative.

EXHIBIT G

Narrative – Variance from 32 Square Feet Sign Area Limitation in Section 30-153(b)(1), LDC

The applicant, FMB Associates LP dba Best Western Beach Resort, has been an upstanding member of the Fort Myers Beach business community for decades. Its principals, the Malbon family, have always had a positive relationship with the Town and its leaders and look forward to continuing this relationship for years to come. The Malbons have provided a high quality beachfront resort on the North end of the beach, 684 Estero Boulevard, since the resort was built in 1985. The Best Western is a model resort business that always seeks to provide a clean, well-maintained building that is a destination for tourists and locals alike.

That said, being part of an international franchise like Best Western requires the Malbons to comply with their franchise agreement. The Best Western franchise has rebranded its logo and lettering and has mandated all Best Westerns install new signage by December 31, 2016, or else face serious penalties and fines. The only sign at the Best Western on the beach is the wall sign on the facade of the building, which existing sign is currently 78 square feet in area. Drivers along Estero Boulevard can easily see this sign and it effectively identifies the building. There are no other signs identifying the property because there is nowhere to put them. The Town's recent improvement to Estero Boulevard, including the new sidewalk between the road and the edge of the Best Western property boundary includes landscaping and foliage that blocks drivers from being able to see a sign (there is also additional landscaping and foliage on-site that's been there for many years). Included as **Exhibit A** are two photographs depicting the landscaping and foliage near the sidewalk and at the edge of the property abutting Estero Boulevard. Under the Code, signs are allowed to be installed as close as 3 feet to the road (Sec. Section 30-93(b), LDC); however, because of the foliage and landscaping, this is not possible at the Best Western. Instead, because the Best Western building is set back approximately 90 feet from the road (see survey included as **Exhibit B**), their building's sign is approximately 30 times farther away from the road than a sign 3 feet from the road.

Thus, the only option they have to identify their property is to put a wall sign on the large facade of the building. Putting a sign on the building that is only 32 square feet would not allow drivers on Estero Boulevard to identify the building. This is why the Best Western is asking for a sign that is 55 square feet, which is the smallest sign possible that allows drivers to identify their building. Included as **Exhibit C** is a photographic side-by-side comparison of their existing sign (78 square feet) and their new proposed sign (55 square feet – superimposed), as required by the franchise agreement. The photo is taken from the western edge of Estero Boulevard in front of the property.

It is because of these unique circumstances with the building setback and the lack of any other sign that the Best Western is looking to the Town for a variance from the square feet limitation. Such circumstances have caused the hardship that the Malbons are facing and justifies relief from the sign area limitation.

The applicant has worked with the vendor assigned to them by the Best Western franchise to create as small a sign as possible that can still allow drivers to identify the property from the

EXHIBIT G

street – 55 square feet. While this is not ideal for the Malbons given that it is still a 23 square feet reduction from their existing sign, they want to comply as close as possible with the Town's Code and are seeking the minimum variance possible.

As additional background, the Best Western's future land use category is Mixed Residential and Recreation and their zoning is Commercial Resort (CR). The surrounding properties are a mix of resort and residential; specifically, immediately to the north is zoned Commercial Resort (CR) and Residential Multifamily (RM), immediately to the south is zoned Residential Multifamily (RM), and immediately to the east across Estero Boulevard is zoned Residential Conservation (RC), all of which are in the same future land use category of Mixed Residential and Recreation. Granting the variance would not have any negative effect on the surrounding properties; rather, it would allow for the smooth and safe flow of traffic of cars going in and out of the Best Western because drivers would be able to sufficiently identify the property.

How the Best Western meets the 5 specific guidelines for a variance in Section 34-87, LDC are included below.

1. As set forth above, there are exceptional and extraordinary conditions and circumstances inherent to this property including that, without this variance, drivers along Estero Boulevard would not be able to sufficiently identify the building. Due to the Town's landscaping and foliage along the concrete sidewalk adjacent to the property boundary (as well as the on-site landscaping and foliage that was in place prior to the ordinance being amended in 2011), a sign nearer to the street would not be feasible or helpful in identifying the property so the subject wall sign is the only way people will be able to identify the property. While the street setback for signs is three feet (Section 30-93(b), LDC), this particular building is set back approximately 90 feet from the right-of-way (30 times farther away) as there is a large parking lot between the right-of-way and the building. This makes visibility of the wall sign from the right-of-way uniquely challenging and necessitates a wall sign greater than 32 square feet. As mentioned above, this is the only sign that will identify their building, which existing sign is 78 square feet so this is a reduction of 23 square feet. A sign that is any less than 55 square feet would not sufficiently identify the property. The foregoing exceptional and extraordinary conditions and circumstances are what creates the hardship to Best Western justifying relief from the sign size limitation.
2. The conditions justifying the variance are not the result of any actions of the applicant since the 2011 sign ordinance was adopted. The Best Western franchise is demanding compliance with its new logo which requires a replacement sign – this is a mandatory requirement of maintaining the franchise with Best Western and the applicant will be subject to serious penalties and fines if the new sign is not installed by December 31, 2016.

EXHIBIT G

3. The variance sought is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the subject regulation because anything less than a 55 square feet wall sign would not sufficiently identify the property.
4. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. On the contrary, the 55 square feet sign would benefit the neighborhood and public welfare by sufficiently identifying the property and eliminating the potential for increased traffic and safety issues that would result from drivers on Estero Boulevard not being able to sufficiently identify the property.
5. The conditions and circumstances on this property are not of so general or recurrent a nature as to make it more reasonable and practical to amend the subject regulation because other buildings that are set back closer to the road or that have the option to install a sign 3 feet from the road that is visible to drivers don't face this hardship. The Best Western building's significant set back from the road and the landscaping and foliage that block a sign nearer to the road are particularly unique from other businesses on the beach. While a 32 square feet wall sign may sufficiently identify other buildings that are closer to the road, here, there are particularly unique visual identification issues that require a 55 square feet sign to identify the building.

In summary, the Best Western wants to continue its positive relationship with the Town. They look forward to maintaining their status as a high quality beach resort that consistently attract tourists and locals to their facility. However, because of the demands of the Best Western franchise to install a new wall sign with the Best Western's new branding and the unique circumstances of their property with the building that is set back approximately 90 feet from the property line and the landscaping and foliage that would block visibility of a sign closer to Estero Boulevard, they are faced with a severe hardship of drivers along Estero Boulevard not being able to identify their resort if they are forced to install only a 32 square feet size. This is the only sign that will identify their building, which existing sign is 78 square feet. A sign that is any less than 55 square feet would not sufficiently identify the property. Therefore, through this variance request, they are seeking a 23 feet reduction to their existing 78 square feet sign, which is the minimum variance to the 32 square feet requirement to allow their guests and all other drivers on Estero Boulevard to sufficiently identify their property.

EXHIBIT G

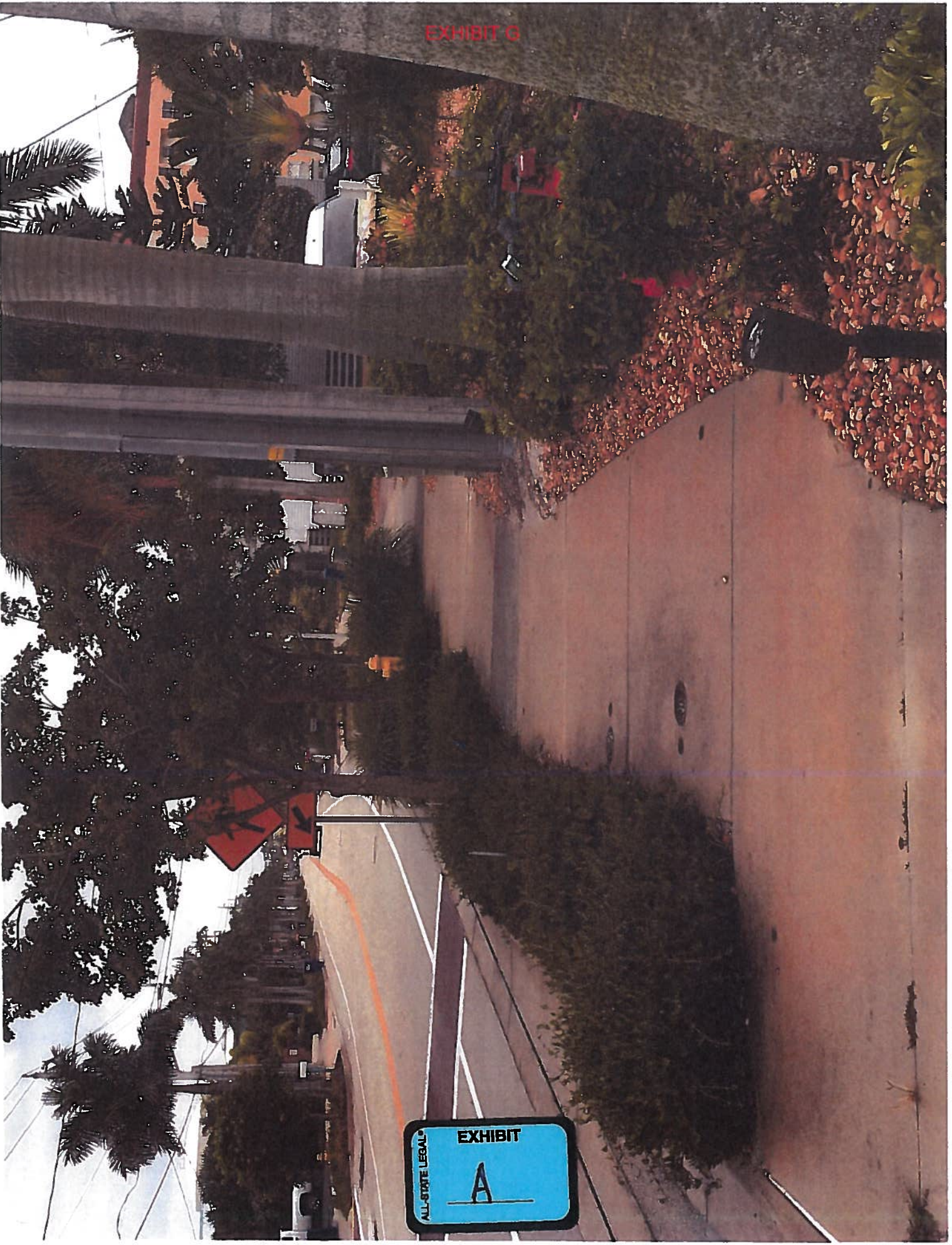
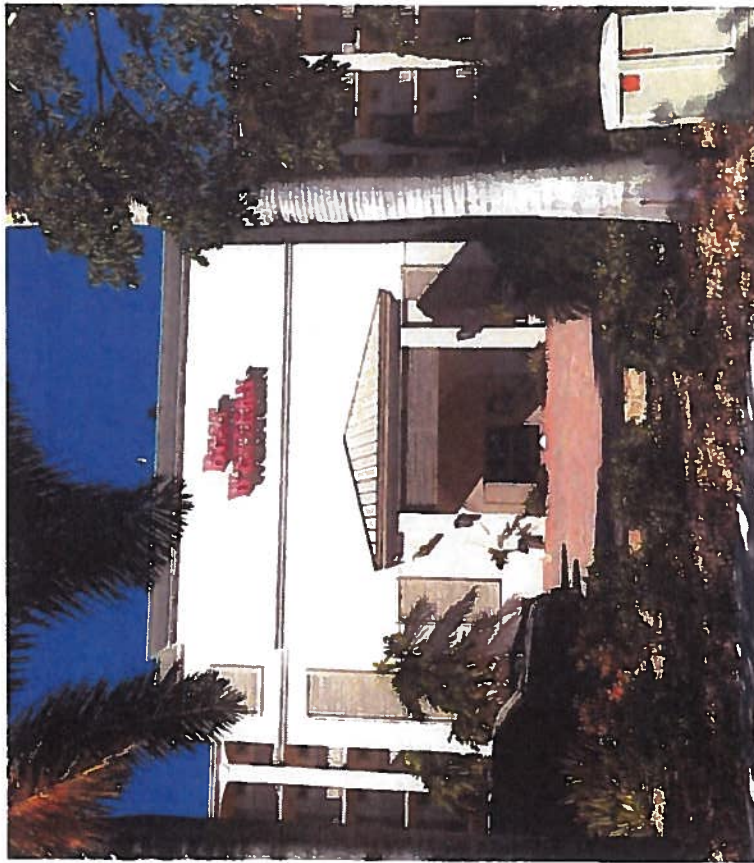


EXHIBIT G

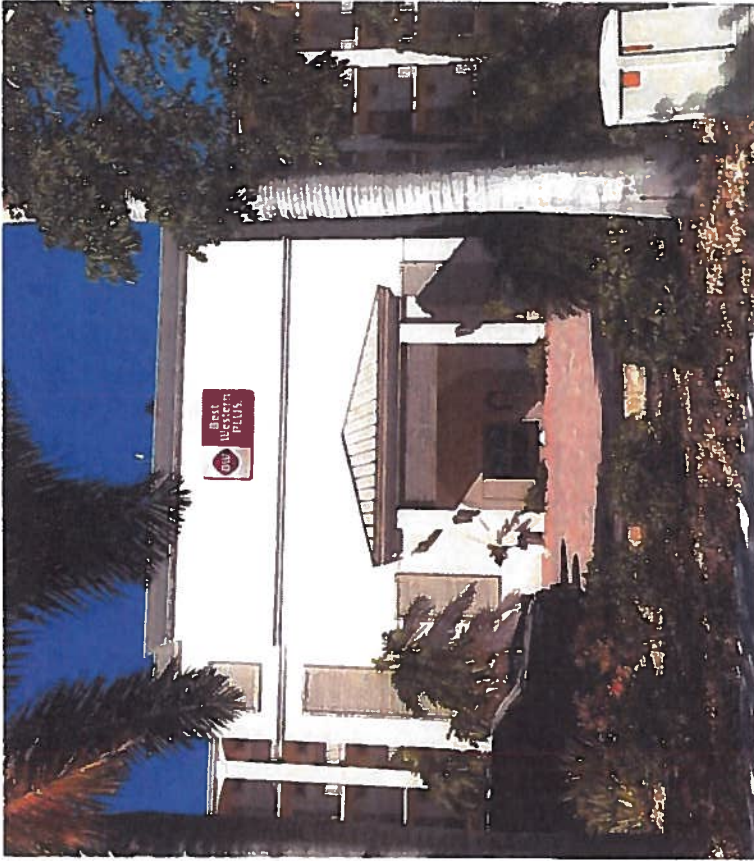


EXHIBIT G



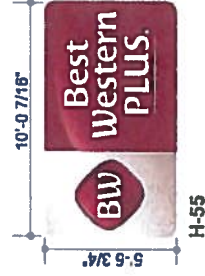
EXISTING

Description: Channel Letters
 City of facets: 1
 Dimensions: ~2'-8" H x ~14'-3" W x ~5'-6" OAH
 Attachment Method: Raceway Mounted
 Illumination: Internally Illuminated



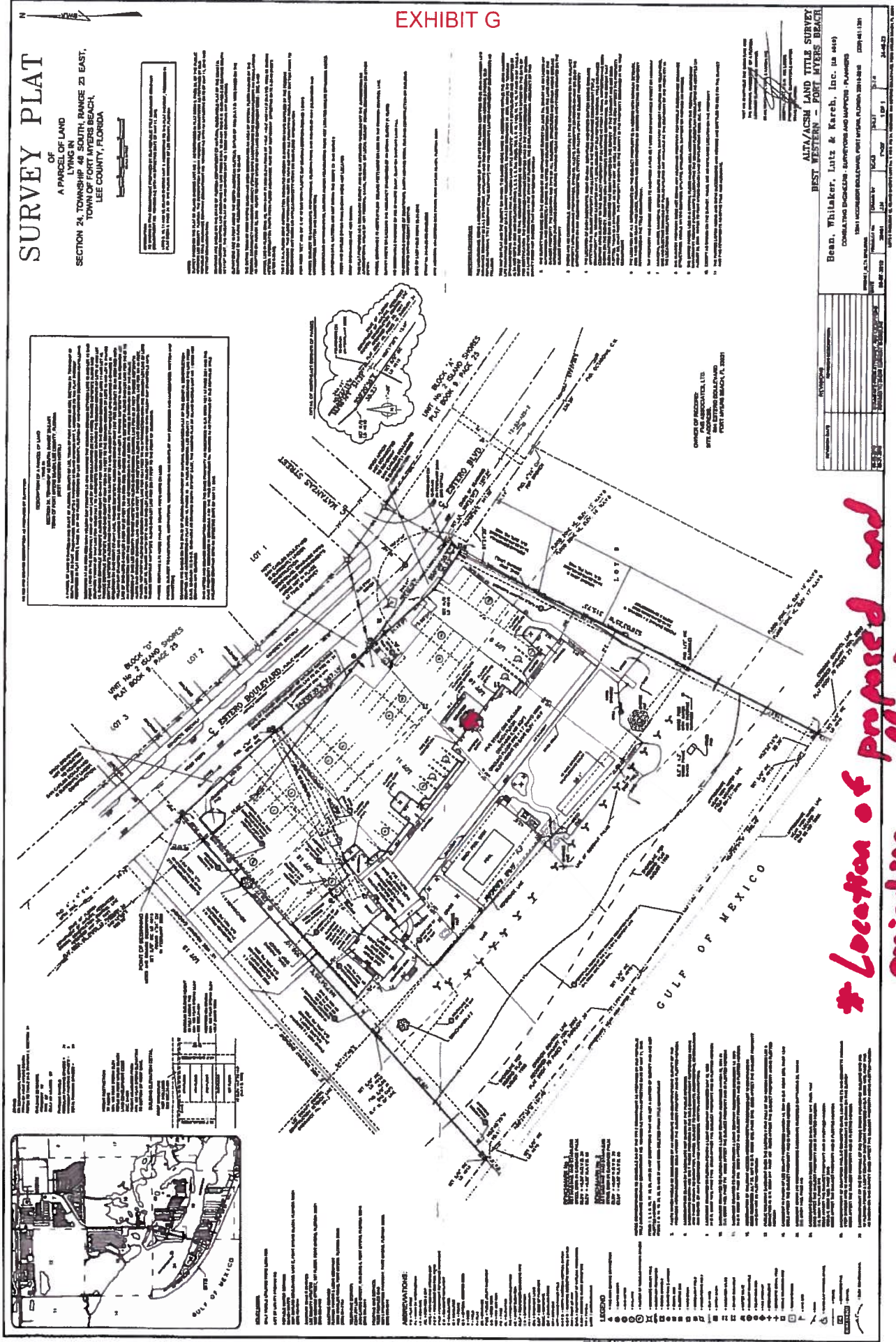
PROPOSED

Description: Wall Sign
 City of facets: 1
 Dimensions: ~5'-5 3/4" H x ~10'-0 7/16" W
 Attachment Method: Flush Mounted
 Illumination: Internally Illuminated



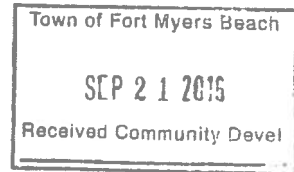
THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY THE DESIGNER. IT IS THE PROPERTY OF THE DESIGNER AND IS NOT TO BE REPRODUCED, COPIED OR EXHIBITED IN ANY MANNER WITHOUT THE WRITTEN AUTHORIZATION OF THE DESIGNER.		CUSTOMER APPROVAL: DATE: _____	
JIMMIES 1000 S. GULF BLVD. FORT MYERS BEACH, FL 33931		DRAWING NO: D-ORDER#083866.03 ARTIST: AAAJ DATE: 06/20/18 SHEET: 1 OF 3	
DATE: _____ BY: _____ REC. # _____	DATE: _____ BY: _____ REC. # _____	DATE: _____ BY: _____ REC. # _____	DATE: _____ BY: _____ REC. # _____

SITE PLAN





Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
FMB ASSOCIATES LP	684 ESTERO BLVD, FORT MYERS BEACH	10-1985	\$ 409,100	\$ 20,028,320	\$ 13,039,275



Revised Narrative – Variance from 32 Square Feet
Sign Area Limitation in Section 30-153(b)(1), LDC

The Applicant, FMB Associates LP dba Best Western Beach Resort ("Applicant"), has been an upstanding member of the Fort Myers Beach business community for decades. Its principals, the Malbon family, have always had a positive relationship with the Town and its leaders and look forward to continuing this relationship for years to come. The Malbons have provided a high quality beachfront resort on the North end of the beach, 684 Estero Boulevard, since the resort was built in 1985. The Best Western is a model resort business that always seeks to provide a clean, well-maintained building that is a destination for tourists and locals alike.

That said, being part of an international franchise like Best Western requires the Malbons to comply with their franchise agreement. The Best Western franchise has rebranded its logo and lettering and has mandated all Best Westerns install new signage by December 31, 2016, or else face serious penalties and fines. The only sign at the Best Western on the beach is the wall sign on the facade of the building, which existing sign is currently 78 square feet in area. Drivers along Estero Boulevard can easily see this sign and it effectively identifies the building. There are no other signs identifying the property because there is nowhere to put them. The Town's recent improvement to Estero Boulevard, including the new sidewalk between the road and the edge of the Best Western property boundary includes landscaping and foliage that blocks drivers from being able to see a sign (there is also additional landscaping and foliage on-site that's been there for many years). Included as **Exhibit A** is a photograph depicting the landscaping and foliage near the sidewalk and at the edge of the property abutting Estero Boulevard. Under the Code, signs are allowed to be installed as close as 3 feet to the road (Sec. Section 30-93(b), LDC); however, because of the foliage and landscaping, this is not possible at the Best Western. Instead, because the Best Western building is set back approximately 90 feet from the road (see survey dated May 19, 2015 included as **Exhibit B**), their building's sign is approximately 30 times farther away from the road than a sign 3 feet from the road.

Thus, the only option they have to identify their property is to put a wall sign on the large facade of the building. Putting a sign on the building that is only 32 square feet would not allow drivers on Estero Boulevard to identify the building. This is why the Best Western is asking for a sign that is 55 square feet, which is the smallest sign possible that allows drivers to identify their building. Specifically, the Applicant is seeking a variance from Section 30-153(b)(1), LDC, "maximum sign area," which limits sign area to 32 square feet. Included as **Exhibit C** is a photographic side-by-side comparison of the Best Western's existing sign (78 square feet) and their new proposed sign (55 square feet – superimposed) as required by the franchise agreement. The photo is taken from the western edge of Estero Boulevard in front of the property.

It is because of these unique circumstances with the building setback and the lack of any other sign that the Best Western is looking to the Town for a variance from the square feet limitation. Such circumstances have caused the hardship that the Malbons are facing and justifies relief from the sign area limitation.

EXHIBIT G

The Applicant has worked with the vendor assigned to them by the Best Western franchise to create as small a sign as possible that can still allow drivers to identify the property from the street – 55 square feet. While this is not ideal for the Malbons given that it is still a 23 square feet reduction from their existing sign, they want to comply as close as possible with the Town's Code and are seeking the minimum variance possible.

As additional background, the Best Western's future land use categories are Mixed Residential and Recreation and their zoning is Commercial Resort (CR). The surrounding properties are a mix of resort and residential; specifically, immediately to the north is zoned Commercial Resort (CR) and Residential Multifamily (RM) with future land use categories of Mixed Residential and Recreation; immediately to the south is zoned Residential Multifamily (RM) with future land use categories of Mixed Residential and Recreation; and immediately to the east across Estero Boulevard is zoned Residential Conservation (RC) with a future land use category of Mixed Residential. Granting the variance would not have any negative effect on the surrounding properties; rather, it would allow for the smooth and safe flow of traffic of cars going in and out of the Best Western because drivers would be able to sufficiently identify the property.

How the Best Western meets the 5 specific guidelines for a variance in Sections 34-203(e)(1)e. and 34-87, LDC are included below.

1. As set forth above, there are exceptional and extraordinary conditions and circumstances inherent to this property including that, without this variance, drivers along Estero Boulevard would not be able to sufficiently identify the building. Due to the Town's landscaping and foliage along the concrete sidewalk adjacent to the property boundary (as well as the on-site landscaping and foliage that was in place prior to the ordinance being amended in 2011), a sign nearer to the street would not be feasible or helpful in identifying the property so the subject wall sign is the only way people will be able to identify the property. While the street setback for signs is three feet (Section 30-93(b), LDC), this particular building is set back approximately 90 feet from the right-of-way (30 times farther away) as there is a large parking lot between the right-of-way and the building. This makes visibility of the wall sign from the right-of-way uniquely challenging and necessitates a wall sign greater than 32 square feet. As mentioned above, this is the only sign that will identify their building, which existing sign is 78 square feet so this is a reduction of 23 square feet. See **Exhibit C**, which depicts the existing wall sign and the reduced proposed wall sign. A sign that is any less than 55 square feet would not sufficiently identify the property. The 2015 survey included as **Exhibit B** depicts that the driveway entrance is close to the southerly property boundary. All traffic searching for the Best Western comes from the south. Due to the proximity of the driveway to the southerly property boundary and the landscaping and foliage on the Estero Boulevard right-of-way and the southeast corner of the property, there is no available location to place any monument sign to advise drivers of the driveway entrance. Therefore, the wall sign needs to be visible to drivers because it is

EXHIBIT G

the only way they will be able to identify the property and know to turn into the Best Western driveway.

2. The foregoing exceptional and extraordinary conditions and circumstances are what creates the hardship to Best Western justifying relief from the sign size limitation.
3. The conditions justifying the variance are not the result of any actions of the Applicant since the 2011 sign ordinance was adopted. The Best Western franchise is demanding compliance with its new logo which requires a replacement sign – this is a mandatory requirement of maintaining the franchise with Best Western and the Applicant will be subject to serious penalties and fines if the new sign is not installed by December 31, 2016.
4. The variance sought is the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the subject regulation because anything less than a 55 square feet wall sign would not sufficiently identify the property.
5. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. On the contrary, the 55 square feet sign would benefit the neighborhood and public welfare by sufficiently identifying the property and eliminating the potential for increased traffic and safety issues that would result from drivers on Estero Boulevard not being able to sufficiently identify the property. The proposed wall sign will have no adverse impact on the neighboring property to the north, south and east.
6. The conditions and circumstances on this property are not of so general or recurrent a nature as to make it more reasonable and practical to amend the subject regulation because other buildings that are set back closer to the road or that have the option to install a sign 3 feet from the road that is visible to drivers don't face this hardship. The Best Western building's significant set back from the road and the landscaping and foliage that block a sign nearer to the road are particularly unique from other businesses on the beach. While a 32 square feet wall sign may sufficiently identify other buildings with signage closer to the road, here, there are particularly unique visual identification issues that require a 55 square feet sign to identify the building.

The Applicant meets the general and specific requirements for a variance application set forth in Sections 34-202 and 34-203(e), LDC, respectively, as set forth in detail below.

EXHIBIT G

General Requirements (Sec. 34-202, LDC)

Section 34-202(a) – General submittal requirements for public hearing application.

(1) *Legal description.* The STRAP number for the Best Western parcel is 24-46-23-W3-00400.0090 and the legal description is set forth on the survey dated May 19, 2015, included as **Exhibit B**.

(2) *Boundary survey or certified sketch of description.* The certified boundary survey dated May 19, 2015, included as **Exhibit B**, meets all of the minimum technical requirements in ch. 61G 17-6, F.A.C. and complies with Section 34-202(a)(2), LDC.

(3) *Confirmation of ownership.* As set forth in the Application and Disclosure of Ownership Interest, FMB Associates LP dba Best Western Beach Resort is the owner of the subject parcel. See the Applicant's deed included as **Exhibit D**.

(4) *Area location map.* The Application includes an area location map of the subject parcel from the Lee County Property Appraiser that complies with Section 34-202(a)(4), LDC.

(5) *Property owners list.* The Application and Disclosure of Ownership Interest includes the complete list of all owners of the property subject to this request in compliance with Section 34-202(a)(5), LDC.

(6) *Surrounding property owners list.* In compliance with Section 34-202(a)(6), LDC, the Application includes a complete list, with two sets of mailing labels, of all property owners, and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel.

(7) *Surrounding property owners map.* In compliance with Section 34-202(a)(7), LDC, the Application includes a surrounding property owners map displaying all parcels within 500 feet of the perimeter of the subject parcel.

(8) *Additional material.* The Applicant has provided the additional materials required by Sections 34-202(b) and 34-203, LDC.

(9) *Filing fee.* The Applicant has paid the filing fee in compliance with 34-202(a)(9).

Additional submittal requirements for owner-initiated applications (Sec. 34-202(b), LDC)

(1) *Evidence of authority.* The Applicant has provided the evidence of authority in compliance with Section 34-202(b)(1)a. through c., LDC.

(2) *Property restrictions.* As set forth in the application, there are no deed restrictions on the subject property.

EXHIBIT G

(3) *Boundary sketch.* The boundary survey dated May 19, 2015, included as **Exhibit B**, complies with Section 34-202(b)(3), LDC by showing the location of existing structures on the site.

(4) *Confirmation of ownership.* As set forth in the Application and Disclosure of Ownership Interest, FMB Associates LP dba Best Western Beach Resort, is the owner of the subject parcel. See the Applicant's deed included as **Exhibit D**.

(5) *Sketch of proposed building.* Although there is no proposed building, the Applicant provided a site plan that shows the location of the existing sign and the proposed sign included as **Exhibit E**. In addition, the Applicant provided a picture of the existing wall sign and a superimposed depiction of the proposed sign side-by-side with its reduced square footage (included as **Exhibit C**).

Additional submittal requirements for variance applications (Sec. 34-203(e), LDC)

(1) *A document describing:*

a. *The section number and the particular regulation of this code from which relief (variance) is requested.* The Applicant is seeking relief (variance) from Section 30-153(b)(1), LDC, "maximum sign area," which limits sign area to 32 square feet. The Applicant's proposed wall sign is 55 square feet, which is a 23 feet reduction from their existing 78 square feet sign.

b. *The reason why the variance is needed.* The variance is needed because the Best Western is required under their franchise agreement to install new signage with the rebranded logo and lettering by December 31, 2016, or else face serious penalties and fines. A 55 square feet sign is needed because this is the smallest sign possible that allows drivers to identify their building, which is set back approximately 90 feet from the road. Unlike other buildings with signage much closer to the road (a sign can be as close as 3 feet from the road under Section 30-93(b), LDC), the Best Western's only sign to identify their building is more than 30 times farther away than a sign 3 feet from the road. Drivers along Estero Boulevard would be unable to identify their building unless the sign is 55 square feet. Furthermore, there is nowhere to put another sign to identify the property because of the landscaping and foliage in the Estero Boulevard right-of-way and at the eastern edge of the Best Western property, as well as the proximity of the driveway entrance to the southerly property entrance with all drivers travelling from the south. These unique circumstances are what creates the hardship which justifies the Best Western's request for relief.

c. *What effect, if any, granting of the variance would have on adjacent properties.* Granting the variance would have no negative effect on the adjacent properties; rather, it would allow for the smooth and safe flow of traffic of cars going in and out of the Best Western because drivers would be able to sufficiently identify the property.

EXHIBIT G

d. *The nature of the hardship which is used to justify the request for relief.* The nature of the Best Western's hardship which justifies the request for relief includes their unique circumstances with the building setback and the lack of any other sign to identify the property, both as set forth in paragraph b. above.

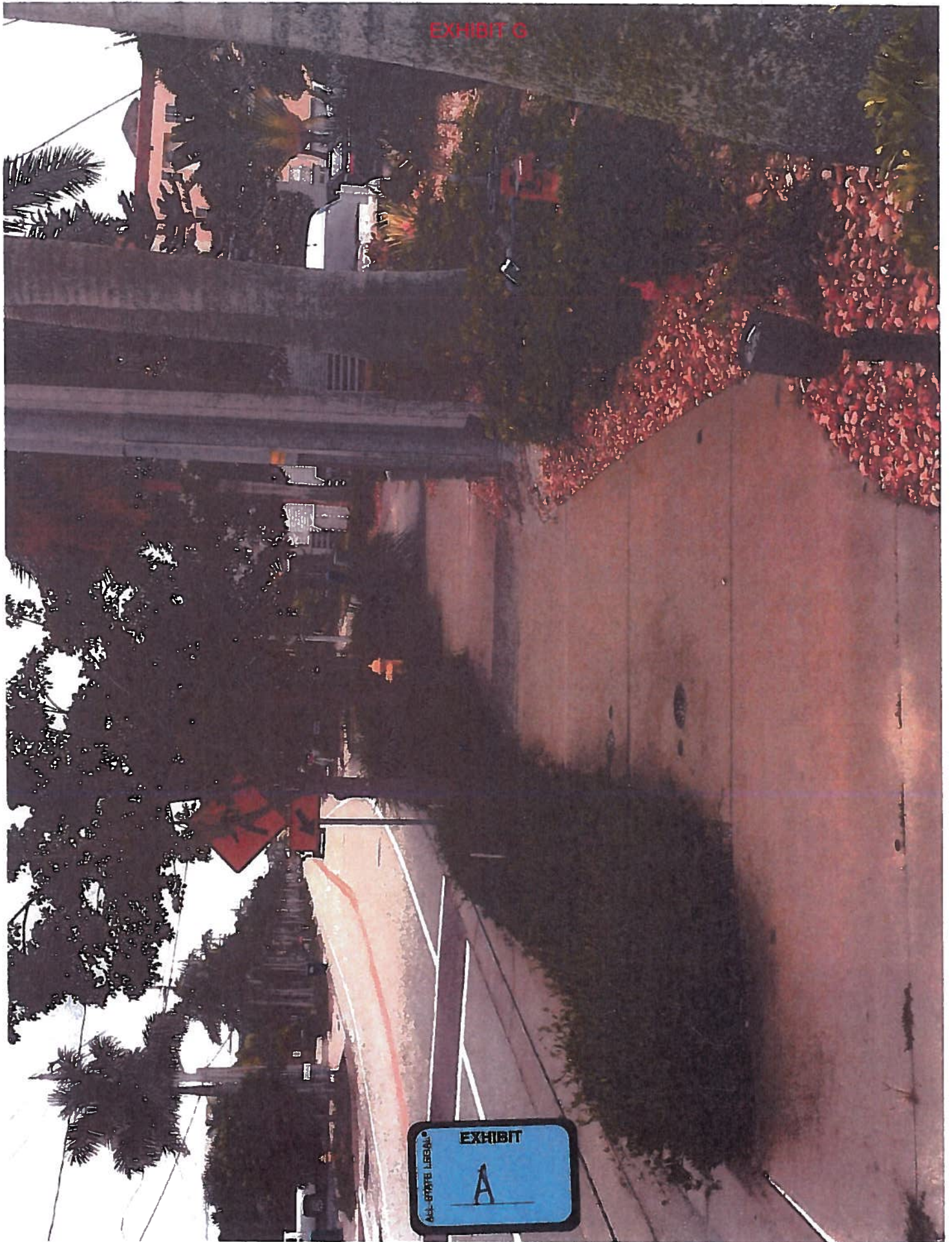
e. *A statement as to how the property qualifies for the variance, directed, at a minimum, to the guidelines for decision-making embodied in § 34-87 of this chapter.* The property qualifies for a variance because it meets the guidelines set forth in Section 34-87, LDC, as set forth on pages 2 and 3 of this Narrative above.

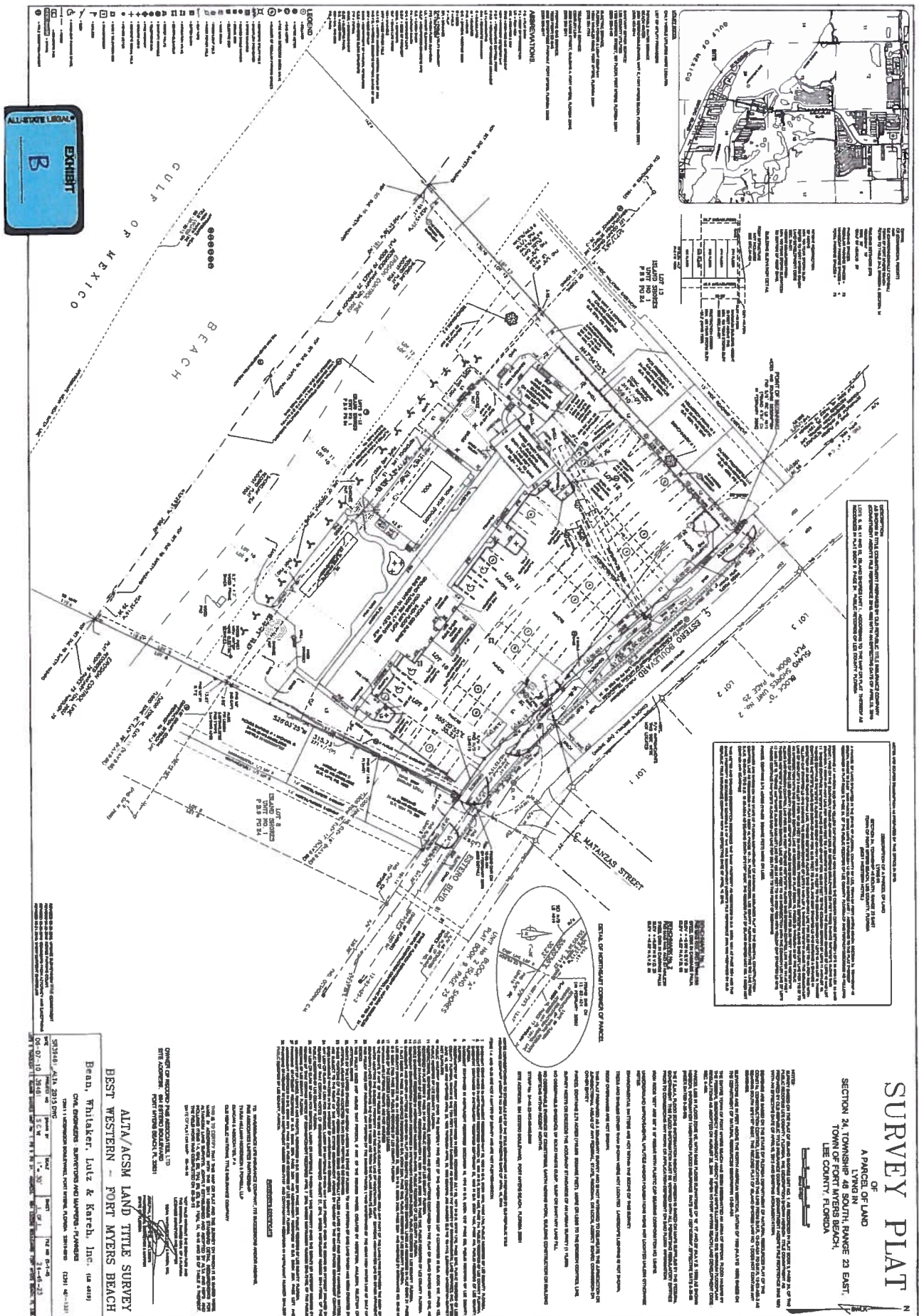
(2) The Applicant's revised site plan (based on the survey dated May 19, 2015), included as **Exhibit E**, complies with the requirements of Section 34-203(e)(2). There are no proposed new structures and the proposed sign would be installed in the same location as the existing wall sign.

(3) The Applicant is willing to provide any additional information required by the Town in compliance with Section 34-203(e)(3), LDC.

In summary, the Best Western wants to continue its positive relationship with the Town. They look forward to maintaining their status as a high quality beach resort that consistently attract tourists and locals to their facility. However, because of the demands of the Best Western franchise to install a new wall sign with the Best Western's new branding and the unique circumstances of their property with the building that is set back approximately 90 feet from the property line, the driveway entrance that is close to the southerly property boundary with all drivers travelling from the south, and the landscaping and foliage that would block visibility of a sign closer to Estero Boulevard, they are faced with a severe hardship of drivers along Estero Boulevard not being able to identify their resort if they are forced to install only a 32 square feet size. This is the only sign that will identify their building, which existing sign is 78 square feet. A sign that is any less than 55 square feet would not sufficiently identify the property. Therefore, through this variance request, they are seeking a 23 feet reduction from their existing 78 square feet sign, which is the minimum variance to the 32 square feet requirement to allow their guests and all other drivers on Estero Boulevard to sufficiently identify their property.

EXHIBIT G







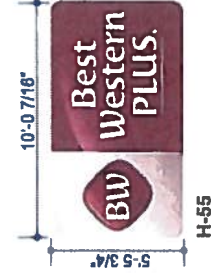
EXISTING

Description: Channel Letters
City of faces: 1
Dimensions: ~2'-6" H x ~14'-3" W x ~5'-8" OAH
Attachment Method: Raceway Mounted
Illumination: Internally Illuminated



PROPOSED

Description: Wall Sign
City of faces: 1
Dimensions: ~5'-5 3/4" H x ~10'-0 7/16" W
Attachment Method: Flush Mounted
Illumination: Internally Illuminated



 <p>CUMMINGS Lessor of Global Signage, Inc. 10/1/2018 EXHIBIT G - 2018 01/25/2018 11:12:00 AM</p>		<p>THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY CUMMINGS. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED FOR ANY OTHER PROJECT. ANY REPRODUCTION OR COPIING OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF CUMMINGS IS STRICTLY PROHIBITED.</p>		<p>CUSTOMER APPROVAL:</p> <p>DATE: _____</p>		<p>DATE: _____ BY: _____</p> <p>Rev. #1: _____</p> <p>Rev. #2: _____</p> <p>Rev. #3: _____</p>		<p>Site ID#: 18116</p> <p>BW PLUS Beach Resort 684 Estero Blvd Fort Myers Beach, FL 33931</p>		<p>DRAWING NO: D-ORDER#033866.03</p> <p>ARTIST: AAAJ DATE: 08/30/18</p> <p>SHEET: 1 OF 3</p>	
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850

2034219

RAMCO FORM 8

OFF REC 1821P63051

QUIT-CLAIM DEED

This Quit-Claim Deed, Executed this 1st day of October, A.D. 1985, by
LAZY TIDE, a Florida General Partnership

first party, to FMB ASSOCIATES, LTD., a Virginia Limited Partnership

whose postoffice address is 684 Estero Boulevard, Fort Myers Beach, Florida 33931

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$ None in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee State of Florida, to-wit:

Lots 9, 10 and 11 of the subdivision known as Unit No. 1, ISLAND SHORES, according to the map or plat thereof on file and recorded in Plat Book 9, Page 24, Public Records of Lee County, Florida.

No consideration is being paid for this conveyance, the sole member of the Grantor partnership being one and the same as the Grantee partnership.

RECORD VERIFIED - CHARLIE GLEN, CLERK
BY: G. SHENWOOD, D.C.

Documentary Tax \$ 1.50
Florida Tax M.
LEE COUNTY
Dorsey Clerk

RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED
JAN 2 11 05 AM '86
CLERK OF COURT

To Have and to Hold the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in presence of: LAZY TIDE, a Florida General Partnership

STATE OF FLORIDA,
COUNTY OF LEE

By: FMB Associates LTD
By: V. Alfred Etheridge, Jr.
Managing General Partner

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared V. Alfred Etheridge, Jr., managing general partner of FMB Associates, Ltd., a Virginia partnership, which is the sole partner of Lazy Tide, a Florida general partnership to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of October, A.D. 1985.

My Commission expires: 9/1/89

Notary Public

This instrument prepared by: Leslie T. Ahrenholz, Atty.
P.O. Box 2656
Fort Myers Beach, Fla. 33931

ALL-STATE LEGAL
EXHIBIT
D

9000
2045.50
409,050.-

2009213

OFF REC 181160975

This instrument was prepared by:
William H. Grace, Esq. /asALLEN, KNUDSEN, SWARTZ,
DeBOEST, RHODES & EDWARDS
P.O. Box 1480
FORT MYERS, FLORIDA 33902**Warranty Deed**

(STATUTORY FORM—SECTION 689.02 F.S.)

This ~~Indenture~~. Made this 24 day of October 19 85, Between

LAWRENCE J. BRUNO

of the County of Lee, State of Florida, grantor*, and

F. M. B. ASSOCIATES, LTD., a Virginia Limited Partnership

whose post office address is 129 South Lynnhaven Road, Virginia Beach, VA 23452of the County of _____, State of Virginia, grantee*.

Witnesseth, That said grantor, for and in consideration of the sum of
TEN DOLLARS & OTHER GOOD & VALUABLE CONSIDERATION (\$10.00) ----- Dollars,
 and other good and valuable considerations to said grantor, in hand paid by said grantee, the receipt whereof is hereby
 acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following
 described land, situate, lying and being in Lee County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Subject to easements, restrictions and reservations of record
and taxes for the calendar year.

This property is not the homestead of the grantor.

Documentary Tax Pd. \$ 2045.50
 Intangible Tax Pd. _____
 CHARLIE GREEN, CLERK, LEE COUNTY
 Deputy Clerk

and said grantor does hereby warrant the title to said land, and will defend the same against the lawful claims of all
persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In ~~Witness Whereof~~, Grantor has hereunto set grantor's hand and seal the day and year first above written.
 Signed, sealed and delivered in our presence:

[Signature]
[Signature]
[Signature]

[Signature]
 LAWRENCE J. BRUNO (Seal)

(Seal)

(Seal)

(Seal)

STATE OF FLORIDA
COUNTY OF LEEI HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared
LAWRENCE J. BRUNOto me known to be the person described in and who executed the foregoing instrument and acknowledged before me that
he executed the same.WITNESS my hand and official seal in the County and State last aforesaid this 24 day of October
19 85.

My Commission expires:

NOTARY PUBLIC STATE OF FLORIDA
 MY COM. EXPIRES FEB 12 1987
 JOHN D. L. CLERK, LEE COUNTY

Notary Public

NOTARY PUBLIC
 STATE OF FLORIDA
 JOHN D. L. CLERK, LEE COUNTY

DEF 181160976
REC

EXHIBIT "A"

Lot 12 of ISLAND SHORES, Unit I; a subdivision in Government Lot 1, Section 24, Township 46 South, Range 23 East, Estero Island, Lee County, Florida, as shown in Plat Book 9, Page 24, Public Records of Lee County, Florida, LESS a parcel of land more fully described as follows:

Commencing at the common line between Lot 12 and Lot 13 of said ISLAND SHORES at the Southwesterly right-of-way line of Estero Boulevard (60 feet wide);

Thence run S 49°26'52"W along said common line of Lot 12 and Lot 13 for 135.01 feet to the POINT OF BEGINNING;

Thence S 47°17'48"E 70.50 feet;

Thence S 49°26'52"W 122 feet more or less to the water line of the Gulf of Mexico;

Thence Northwesterly along the said water line of the Gulf of Mexico 71 feet more or less to a point on the common line of said Lot 12 and Lot 13;

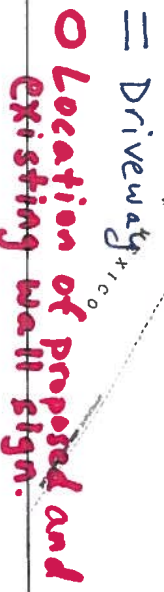
Thence N 49°26'52"E along said common line of Lot 12 and Lot 13 for 126 feet more or less to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH a 10 foot wide ingress and egress right-of-way and road easement along the said westerly line of said Lot 12 to Estero Boulevard.

Oct 20 11 35 AM '65
RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECORD VERIFIED

OF
A PARCEL OF LAND

SECTION 24, TOWNSHIP 48 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH,
LEE COUNTY, FLORIDA



ALL-STATE LEGAL
EXHIBIT
3

[illegible]